

CUSTOMS BULLETIN

TREASURY DECISIONS

UNDER CUSTOMS AND
OTHER LAWS

VOL. 4

JANUARY-DECEMBER 1970

DAVID M. KENNEDY

Secretary of the Treasury



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1971

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price \$4.75

CUSTOMS BULLETIN

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FOREWORD

This volume contains Treasury Decisions pertaining to the Bureau of Customs originally printed in the weekly Customs Bulletin during the period January through December 1970.

(III)

THE

AMERICAN
JOURNAL OF
SCIENCE
AND
ARTS
PUBLISHED BY
J. B. LIPPINCOTT & CO.
PHILADELPHIA

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CUSTOMS

(T.D. 70-1)

Additional invoicing information—Customs Regulations amended

Section 8.13(h) of the Customs Regulations, relating to additional information required on invoices of certain imported merchandise, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

In connection with certain statistical headnotes to Subpart F of Part 4, Schedule 6, of the Tariff Schedules of the United States (TSUS) and certain statistical suffixes to items 674.32 and 674.35 therein which will become effective January 1, 1970, importers of metal-working machine tools classifiable under the above numbers will be required to describe such merchandise in greater detail than heretofore necessary. In order that the importers may be better able to fulfill this requirement and thereby provide facts which are necessary to a proper examination and classification of merchandise and so that the accuracy of such details contained in the entry may be verified, it has been decided to require, under the authority of section 481(a)(10) of the Tariff Act of 1930, as amended (19 U.S.C. 1481(a)(10)), that invoices covering such shipments contain the required information. Accordingly, section 8.13(h), Customs Regulations, is amended by inserting, in the proper alphabetical order, the following:

Metal-Working Machine Tools classifiable under items 674.32 and 674.35, Tariff Schedules of the United States (TSUS) (T.D. 70-1)—Type of machine tools in accordance with the following definitions:

Numerically controlled machines are machines whose motions are controlled by devices such as tape, computers, or punched cards.

Drilling machines are machines designed for the primary purpose of cutting an initial hole in a workpiece using a rotating tool.

Radial drilling machines consist of a base, vertical cylindrical column, radial arm, and spindle head-stock. The radial arm supports the spindle head-stock which can be positioned at varying distances from the column; the arm can be moved up or down on the column and rotated around the column.

Upright single-spindle drilling machines consist of a base, table, vertical column, and spindle head. The spindle head is mounted on the column and moves only in the vertical direction. The work-table and/or base is located below the spindle.

Milling machines are machines designed for the primary purpose of removing metal by multiple tooth cutters mounted on rotating arbors or spindles.

Profile and duplicating milling machines consist of any milling machine equipped with a tracing device for controlling the path of the milling cutter.

Knee-type milling machines consist of a base, vertical column, knee, horizontal table, and spindle. A spindle driving the cutter is mounted horizontally or vertically in or on the column. A horizontal movable table which holds the workpiece is mounted on a knee, which projects from the column. The knee can be raised or lowered on the column.

Bed-type milling machines consist of a base (bed), vertical column, horizontal or vertical spindle and table. The table moves horizontally on the bed. The spindle is fixed or moves vertically on the column.

Boring machines are machines designed for the primary purpose of enlarging or finishing an existing hole in a workpiece by means of a rotating single-point tool.

Vertical boring machines, including vertical turret lathes consist of one or two ram (or turret) heads mounted on a cross rail supported by a column, or columns. The cutting tool or tools traverse against the work as the work revolves on a circular table. One, or two horizontally opposed side heads are also provided.

Combination boring, drilling, and milling machines, horizontal spindle, consist of a vertical column mounted on a solid bed or movable base. The column supports a horizontally mounted head-stock containing the spindle that feeds various tooling into the workpiece. The work is held on a movable table supported by the bed or is mounted on floor plates. Feed motions of the headstock and/or table are longitudinal, transverse, and vertical.

Combination boring, drilling, and milling machines, vertical spindle, consist of a vertical column mounted on a solid bed or movable base. The column supports a vertically mounted headstock containing the spindle that feeds various tooling into the workpiece.

The work is held on a movable table supported by the bed or is mounted on floor plates. Feed motions of the headstock and/or table are longitudinal, transverse and vertical.

Metal-cutting machine tools are metal-working machine tools which shape or surface-work metal by removing metal either in the form of chips, dust, swarf or similar forms or by electrical or chemical erosion techniques.

Engine lathes consist of a bed, headstock, tailstock and carriage. The workpiece is held between a center on the tailstock and an appropriate work-holding device on the headstock spindle. The tool is secured to a cross slide which is mounted on a carriage that moves longitudinally along the bed of the machine.

Turret lathes consist of a bed, headstock, cross slide and turret. The workpiece is held in the collet, chuck, face plate, or fixture which is attached to the spindle. The tools on the turret are positioned and fed into the workpiece.

Single-spindle automatic bar or chucking machines consist of a bed, headstock, cross slides and turret. The workpiece is held in the collet, chuck, face plate or fixture which is attached to the spindle. The tools on the turret are positioned and fed into the workpiece. All machining motions are preselected and are automatically controlled.

Multiple-spindle automatic bar or chucking machines have two or more drive spindles in order that two or more workpieces can be rotated simultaneously. Automatic units are designed to hold the workpiece in each of a number of spindle collets or chucks, which index clockwise from station to station in order to present the workpiece successively to a series of cutting tools. All machining motions are preselected and are automatically controlled.

Grinding machines are machines other than honing or lapping machines designed for the primary purpose of removing metal from a workpiece with abrasives.

External cylindrical grinders consist of a base, table, headstock, footstock, and wheelhead. The table is mounted on the base. The headstock and footstock are mounted on the table and are used to support and rotate the workpiece. The rotating abrasive wheel is mounted on the wheelhead spindle. The wheel is fed against the rotating workpiece.

Internal cylindrical grinders consist of a base, table wheelhead and headstock. The table is mounted on the base. The headstock is fixed to the base. The wheelhead is mounted on the table. The rotating abrasive wheel is mounted on the wheelhead spindle and is fed into the work piece bore which is also rotating.

Surface (flat) grinders consist of a base, table, column, and wheelhead. The table is mounted on the base. The wheelhead is attached to the column. The axis of the wheelhead spindle is horizontal. The workpiece which is mounted on the table reciprocates under the

rotating abrasive wheel which is mounted on the wheelhead spindle.

Sawing machines are designed primarily for parting or cutting-off operations by a tool referred to as a saw, which could be in the form of a blade, band, or disc.

Electrical discharge machines are machines designed to remove metal by means of an electrical discharge spark erosion.

Metal-forming machine tools are metal-working machine tools other than metal-cutting machine tools.

Punching and shearing machines pierce, blank, notch, or shear workpieces by utilizing a power-driven ram to force punches or blades through work that is supported by the table of the machine.

Mechanical presses, open back inclinable consist of a base (legs), "C" frame and ram. The C frame is mounted on a pivot point connected in the base (legs). The ram is mounted in the C frame. The principal identifying characteristic of the press is its ability to tilt back on its base (legs).

(Secs. 481, 624, 46 Stat. 719, 759; 19 U.S.C. 1481, 1624.)

Since importers of metal-working machine tools classifiable under items 674.32 and 674.35 of the Tariff Schedules of the United States will be required, effective January 1, 1970, to show the additional detailed information noted above on the entry and since the required information is necessary for effective customs administration of such requirements, it is hereby found that it is impracticable to issue this amendment with notice under 5 U.S.C. 553 or subject to the effective date limitations of that section.

Effective date. This amendment shall be effective as to merchandise entered or withdrawn from warehouse for consumption on and after January 1, 1970.

(314.1)

EDWIN F. RAINS,

Acting Commissioner of Customs.

Approved December 19, 1969:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register December 30, 1969 (34 F.R. 20334)]

(T.D. 70-2)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., December 23, 1969.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from December 15 through 19, 1969, rate of \$0.00284895.

Denmark krone:

December 15, 1969-----	\$0.133500
December 16, 1969-----	.133491
December 17, 1969-----	.133525
December 18, 1969-----	.133512
December 19, 1969-----	.133500

Hong Kong dollar:

Official rate of \$0.163750 for the period from December 1 through 5, 1969. No Free rate available for that period.

Iran rial:

For the period from December 8 through 12, 1969, rate of \$0.0132776.

Philippine peso:

For the period from December 8 through 12, 1969, rate of \$0.255000.

Thailand baht (tical):

For the period from December 8 through 12, 1969, rate of \$0.0478125.*

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rate.

(T.D. 70-3)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., December 29, 1969.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.
(133.121)

ROBERT V. MCINTYRE,
*Assistant Commissioner,
Office of Regulations and Rulings.*

TARIFF CLASSIFICATION

T.D. 70-3(1) *Cheese. Blue-mold cheese. Sheep's milk blue-mold cheese.*—A sheep's milk blue-mold cheese which is not Roquefort is classifiable under the provisions for blue-mold cheese, in *items 117.00 or 117.05*, TSUS, and, unless it is Stilton, such cheese is subject to the quantitative limitations of *item 950.07* of the Appendix to the Tariff Schedules. Bureau letter dated November 20, 1969. (452.53)

T.D. 70-3(2) *Chemical compounds. Tungsten carbide powder.*—Tungsten carbide powder used in the manufacturing of tool bits, consisting of balled and waxed powder of tungsten carbide and a small amount of cobalt powder, is classifiable under the provision for Mixtures not specially provided for, in *item 432.00*, TSUS, with applicable rate in *item 422.40*, TSUS. Bureau letter dated November 26, 1969. (425.412)

T.D. 70-3(3) *Machines, nsp. Cytotrack system.*—A system, composed of two major units, which is an instrument for automated cell examination and particle sampling, with the laying unit classifiable under the provision for Machines not specially provided for, in *item 678.50*, TSUS, and the viewing unit classifiable under the provision for electrical measuring, checking, or analyzing instruments, in *item 712.05*, TSUS. Bureau letter dated November 24, 1969. (426.85)

T.D. 70-3(4) *Drugs. Adrenicortical hormones.*—Prednisone, prednisolone, and dexamethasone, synthetic derivatives of hydrocortisone, are classifiable under the provision for Hormones: Synthetic: Adrenocortical hormones, in *item 437.56*, TSUS. Aldosterone, cortisone, hydrocortisone, corticosterone, and adrenosterone, isolated from natural sources, classifiable, as natural hormones, in *item 437.58 or 437.60*,

TSUS, depending on preparation; if they are synthetically produced, they would be classifiable in *item 437.56*, TSUS. Bureau letter dated November 20, 1969. (412.6)

T.D. 70-3(5) *Electrical apparatus for making or breaking electrical circuits.*—Pencil holder consisting of a small plastic tube about $1\frac{1}{2}$ inches long and $\frac{3}{8}$ inch in diameter with a metal contact and a wire lead for attachment to the so-called "oscillator assembly," classifiable under the provision for Other electrical apparatus for making or breaking electrical circuits, in *item 685.90*, TSUS. Bureau letter dated November 20, 1969. (431)

T.D. 70-3(6) *Filtering machinery and apparatus for liquids and gases. Magnetic water treatment unit.*—A cylindrical metal tube containing a series of permanent magnets, installed in the water lines to boilers, compressors, condensers, evaporators and heat exchange equipment, for the prevention of scale and corrosion, which physically changes the dissolved salts and gases in the water passing through the unit, and leads to a break-down of the crystal structure, classifiable under the provision for Filtering and purifying machinery and apparatus * * * for liquids and gases * * *: Other: * * * Other, in *item 661.95*, TSUS. Bureau letter dated November 26, 1969. (434)

T.D. 70-3(7) *Gas Generator. Ozoniser.*—Ozoniser, an apparatus used for the production of ozone, is classifiable under the provision for gas generators, with or without purifiers: * * * Other, in *item 660.22*, TSUS. Bureau letter dated November 18, 1969. (431)

T.D. 70-3(8) *Glass and glass products. Glass ampoules.*—Ampoules made of glass of varying color and thickness, and in varying sizes according to purchaser's specifications for capacity and shape, but all with a slender neck and bulbous body used as containers of pharmaceutical drugs, hermetically sealed when filled, are classifiable under the provision for Glass ampoules, in *item 547.51*, TSUS *T.D. 56516 (14)* noted and the word "standard" used therein modified to read "ordinary". Bureau letter dated November 25, 1969. (443.4)

T.D. 70-3(9) *Gloves and glove linings. Asbestos mitts and gloves.*—Mitts and gloves which provide protection against fire and excessive heat, made of woven fabric composed of 80 percent or more asbestos fibers, having either no leather, or a leather component covering not over 50 percent of the external surface area of the gloves exclusive of applied cuffs, classifiable under the provision for Other gloves and glove linings, in *item 705.90*, TSUS. Bureau letter dated November 4, 1969. (445.3)

T.D. 70-3(10) *Hydrocarbons.*—Bicycloheptadiene is classifiable under the provision for Hydrocarbons: * * * Other, in *item 429.52*, TSUS. Bureau letter dated October 28, 1969. (417.0)

T.D. 70-3(11) *Iron or steel articles, nspf. Chain.*—Metal and glass "chain", in chief value of iron, measuring 3 inches in diameter, with colored beads affixed to 7 circular steel discs which have been imbedded into the center of a circular piece of colored pressed glass and through which extends a small iron shaft having an eyelet-like arrangement at each end for hanging purposes in window decoration and display, classifiable under the provision for Articles of iron or steel, not coated or plated with precious metal: * * * Other articles: * * * Other, in *item 657.20*, TSUS. Bureau letter dated October 31, 1969. (426.89)

T.D. 70-3(12) *Machine tools. Gear rolling machine.*—Bevel gear rolling machine which manufactures gears, using a tooth rolling tool on an induction heated surface layer of stock rather than by use of a gear hobber, classifiable under the provision for Machine tools: Metal-working machine tools: * * * Other, in *item 674.35*, TSUS. Bureau letter dated November 5, 1969. (434.6)

T.D. 70-3(13) *Machines, heat treatment industrial machinery for treating materials by a process involving a change in temperature. Lumber humidifier.*—A humidifier, an industrial machine used for the treatment of hardboard lumber by putting moisture in the fiber so that the lumber will become dimensionally stable and not absorb moisture later on, classifiable under the provision for Industrial machinery * * * for the treatment of materials by a process involving a change of temperature such as heating * * * steaming, in *item 661.70*, TSUS. Bureau letter dated November 20, 1969. (443.56)

T.D. 70-3(14) *Machines, nspf. Paper-drain driver.*—A self-contained vehicle mounted on caterpillar tracks which drives pieces of cardboard into the ground to absorb moisture thus consolidating and settling the ground, thereby increasing its strength, classifiable under the provision for Machines not specially provided for, in *item 678.50*, TSUS. Bureau letter dated November 5, 1969. (434)

T.D. 70-3(15) *Machines nspf. Refuse crusher.*—A bulky refuse crusher whose function is to break up bulky objects such as chesterfields, beds, refrigerators, stoves, large boxes, etc. so that they may be disposed of along with the remainder of a city's refuse by incineration or by landfilling, classifiable under the provision for Machines not specially provided for, in *item 678.50*, TSUS. Bureau letter dated November 5, 1969. (434)

T.D. 70-3(16) *Machines nspf. Shipping cask.*—Shipping cask on skids, made of stainless steel and cast uranium, used for shipping hot nuclear fuel elements, and which has a secondary cooling system consisting of fans, fan drives, controls, clutches, and ducting for cooling the hot fuel, classifiable under the provision for Machines not specially provided for, in *item 678.50*, TSUS, and not under the provision for Drums, flasks, casks, cans * * * chiefly used in the packing, transporting, or marketing of goods, in *item 640.30*, TSUS. *Headnote 1(i) of Schedule 6, Part 3A* noted. Bureau letter dated November 21, 1969. (418.112)

T.D. 70-3(17) *Machines, nspf. Telephone cable jointing machines.*—A power-driven machine arranged to crimp pre-insulated connectors on to a pair of wires, cut off the surplus wire ends, and eject the completed joint, classifiable under the provision for Machines not specially provided for, in *item 678.50*, TSUS. Bureau letter dated October 30, 1969. (431.52)

T.D. 70-3(18) *Mixtures, chemical. Liquid garter.*—Liquid garter, used to hold up stockings, consisting of PVA, guar gum, and propylene glycol, is classifiable under the provision for Mixtures not specially provided for, in *item 430.00*, TSUS. Bureau letter dated November 5, 1969. (416.6)

T.D. 70-3(19) *Mineral substances, articles, nspf. Botting cone.*—“Botting cone” made of calcium silicate fibers and starch and used as a seal or plug in aluminum melting furnaces classifiable under the provision for mineral substances, and articles of mineral substances, not specially provided for: * * * Other: Not decorated, in *item 523.91*, TSUS. Bureau letter dated October 22, 1969. (426.89)

T.D. 70-3(20) *Oscillator assembly.*—The so-called “oscillator assembly,” a battery-operated device containing a transistor and other components, used in a toy known as a “Sketch-A-Tune” to transform direct current into radio frequency current is classifiable under the provision for Toys, and parts of toys, not specially provided for: * * * Other, in *item 737.90*, TSUS. Bureau letter dated November 20, 1969. (431)

T.D. 70-3(21) *Paints. Finger paint sets.*—Finger paint coloring tube sets consisting of plastic squeeze tubes, each tube containing a different color, and in operation, the tip of the tube being cut off and the tube handled like a brush, are classifiable under the provision for Artists', students', and children's pigments and paints, in * * * tubes * * *: * * * Assembled into sets with or without brushes * * * or other articles, in *item 474.08*, TSUS. Bureau letter dated November 3, 1969. (413.4)

T.D. 70-3(22) *Parts of excavators and excavating machinery. Helium-neon laser.*—Helium-neon laser for use in the automatic control of drainage machines which by means of the laser's parallel beams are guided and the excavation depth controlled classifiable under the provision for "parts of" excavators, in *item 664.05*, TSUS. Bureau letter dated November 5, 1969. (434)

T.D. 70-3(23) *Prosthetic articles. Mastectomy prosthesis.*—Consisting of a plastic article containing a gelatine like substance in the shape of a female breast, classifiable under the provision for Orthopedic appliances * * * and similar articles: artificial limbs * * * and other prosthetic articles * * *: * * * Other, in *item 709.57*, TSUS. Bureau letter dated November 26, 1969. (536)

T.D. 70-3(24) *Welding machines, and apparatus, electrical. High frequency induction welding equipment.*—High frequency induction welding equipment consisting of a high frequency generator, electrical controls, a secondary transformer, a bus bar, an induction coil, and an impeder intended for installation in a tube forming mill for welding the seams of tubing, classifiable under the provision for Industrial * * * electric welding, brazing, and soldering machines and apparatus and similar articles for cutting, and parts thereof: Welding machines and apparatus, and parts thereof, in *item 683.90*, TSUS. Bureau letter dated November 10, 1969. (434.6)

T.D. 70-3(25) *Wine. Denatured wine. Salted wine.*—Wine which contains not over 21 percent alcohol by volume and not less than 1.5 grams of salt per 100 cubic centimeters is not considered to be a wine for tariff purposes but an Other sauce, in *item 182.46*, TSUS. Bureau letter dated November 7, 1969. (464.4)

(T.D. 70-4)

Bonds

Approval and discontinuance of bonds on customs Form 7587 for the control of instruments of international traffic of a kind specified in section 10.41a of the Customs Regulations

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., December 24, 1969.

Bonds on customs Form 7587 for the control of instruments of international traffic of a kind specified in section 10.41a of the Customs

Regulations have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at end of list.

Name of principal and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
Bakke Steamship Corp., 650 California St., San Francisco, Calif.; Reliance Ins. Co. PB(8-6-65) D 8-6-69 ¹	Aug. 6, 1969	Aug. 6, 1969	San Francisco, Calif.; \$10,000
Brawer Bros. Silk Co., Inc., 450 Seventh Ave., New York, N.Y.; St. Paul Fire & Marine Ins. Co.	Nov. 25, 1969	Nov. 25, 1969	New York, N.Y.; \$10,000
Ethyl Corp., 451 Florida St., Baton Rouge, La.; St. Paul Fire & Marine Ins. Co.	Oct. 24, 1969	Oct. 24, 1969	New Orleans, La.; \$10,000
Foss Launch & Tug Co., 660 W. Ewing St., Seattle, Wash.; St. Paul Fire & Marine Ins. Co.	Sept. 17, 1969	Sept. 18, 1969	Seattle, Wash.; \$10,000
Hobenstein Shipping Co., 24 Drayton St., Savannah, Ga.; United Bonding Ins. Co.	Oct. 30, 1969	Oct. 31, 1969	Savannah, Ga.; \$10,000
Holland America Line, Nederlandsche-Amerikaansche (Netherlands Corp.), Pier 40, N. River, New York, N.Y.; St. Paul Fire & Marine Ins. Co.	Nov. 25, 1969	Nov. 25, 1969	New York, N.Y.; \$10,000
Holsten Import Corp., 1860 Broadway, New York, N.Y.; American Casualty Co.	Oct. 22, 1969	Oct. 22, 1969	New York, N.Y.; \$10,000
International Shipping Co., 200 World Trade Bldg., Portland, Oreg.; St. Paul Fire & Marine Ins. Co.	Oct. 28, 1969	Oct. 29, 1969	Portland, Oreg.; \$10,000
Leban Inc., 1175 N. E. 125th St., Miami, Fla.; St. Paul Fire & Marine Ins. Co.	Nov. 28, 1969	Dec. 2, 1969	New York, N.Y.; \$10,000
Ludlow Corp., Needham Hgts., Mass.; Peerless Ins. Co. D 9-15-69	Sept. 10, 1963	Sept. 13, 1963	Philadelphia, Pa.; \$10,000
Magnus Organ Corp., 1600 W. Edgar Rd., Rt. 1, Linden, N.J.; St. Paul Fire & Marine Ins. Co.	Sept. 29, 1969	Sept. 29, 1969	New York, N.Y.; \$10,000
Mardenise Corp., 350 Fifth Ave., New York, N.Y.; St. Paul Mercury Ins. Co. D 9-23-69	July 13, 1966	July 13, 1966	New York, N.Y.; \$10,000
Nedlloyd Lines, Inc., 30 Church St., New York, N.Y.; St. Paul Fire & Marine Ins. Co.	Sept. 8, 1969	Oct. 1, 1969	New York, N.Y.; \$10,000
Parke, Davis & Co., Joseph Campau Ave. at the River, Detroit, Mich.; Federal Ins. Co.	Oct. 16, 1969	Oct. 29, 1969	Detroit, Mich.; \$10,000
Southerland Mills, Inc., 16 E. 34th St., New York, N.Y.; St. Paul Mercury Ins. Co. D 9-23-69	July 26, 1966	July 27, 1966	New York, N.Y.; \$10,000
Steadman Leasing Inc., 100 W. 10th St., Wilmington, Del.; St. Paul Fire & Marine Ins. Co. D 10-30-69	Sept. 30, 1968	Nov. 6, 1968	Detroit, Mich.; \$10,000
Western Beer Distributing Corp., 120 El Camino Dr., Beverly Hills, Calif.; St. Paul Mercury Ins. Co. D 11-26-69	July 14, 1967	July 20, 1967	San Francisco, Calif.; \$10,000
Western Electric Co., Inc., 195 Broadway, New York, N.Y.; St. Paul Fire & Marine Ins. Co.	Dec. 10, 1969	Dec. 11, 1969	New York, N.Y.; \$10,000

See footnote at end of table

Name of principal and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
F. S. Whelan & Sons, 409 Griswold St., Detroit, Mich.; St. Paul Fire & Marine Ins. Co. PB(9-1-63) D 9-16-69 ¹	Sept. 16, 1969	Sept. 17, 1969	Detroit, Mich.; \$10,000
Wisdom Import Sales Co., 10632 E. Alondra Blvd., Norwalk, Calif.; St. Paul Fire & Marine Ins. Co.	Sept. 24, 1969	Sept. 25, 1969	Los Angeles, Calif.; \$10,000

¹ Surety is Glens Falls Ins. Co.² Surety is Fidelity & Deposit Co. of Md.

(542.113)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(T.D. 70-5)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., December 31, 1969.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from December 22 through December 26, 1969,
rate of \$0.00284895.

Denmark krone:

December 22, 1969	_____	\$0.133512
December 23, 1969	_____	.133500
December 24, 1969	_____	.133483
Holiday		
December 26, 1969	_____	.133500

Hong Kong dollar:

Official rate of \$0.163750 for the period December 8 through December 12, 1969. No free rate available for that period.

Iran rial:

For the period from December 15 through December 19, 1969,
rate of \$0.0132776.

Philippine peso:

For the period from December 15 through December 19, 1969,
rate of \$0.255000.

Thailand baht (tical):

For the period from December 15 through December 19, 1969,
rate of \$0.0478125.*

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

ROBERT V. McINTYRE,
Acting Commissioner of Customs.

*Certified as nominal rate.

(T.D. 70-6)

Clearances of vessels and aircraft—Customs Regulations amended

Clearances of vessel and aircraft before filing complete outward foreign manifests and export declarations—revision of list of countries to which such clearances are not permitted. Sections 4.75(c) and 6.8(a), Customs Regulations, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

Regulations of the Bureau of Customs issued pursuant to a request of the Bureau of International Commerce, Department of Commerce, as a measure of assistance in the enforcement of the export control regulations, set forth a list of destinations to which vessels could not be cleared before complete outward foreign manifests and all required export declarations had been filed. Other regulations provide for presentations of all outward clearance documents in complete form when aircraft are departing with cargo on a flight from the United States directly or indirectly to Poland (including Danzig), a country or other

destination in Subgroup A as specified in former section 371.3 of the Export Regulations (15 CFR 371.3), Cuba, Hong Kong, or Macao, unless clearance is authorized by the Commissioner of Customs.

The Bureau of International Commerce has advised that Hong Kong and Macao need no longer be included in the above lists and that general license shipments to Hong Kong and Macao are among those subject to a new procedure which is scheduled to become effective on January 1, 1970.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Footnote 109 to section 4.75 (c) of the Customs Regulations is accordingly amended to read as follows:

¹⁰⁰ T.D. 55357, 26 F.R. 2965, as amended by T.D. 55396, 26 F.R. 5004, as amended by T.D. 70-6, 35 F.R. 599 provides that vessels may be cleared pursuant to the procedure provided for in section 4.75 (a) and (b), except that no vessel shall be cleared for any port in Albania, Bulgaria, Communist China (including Inner Mongolia, Tibet, and Manchuria), the Communist-controlled area of Viet Nam, Czechoslovakia, East Germany (Soviet Zone of Germany and Soviet Sector of Berlin), Estonia, Hungary, Latvia, Lithuania, North Korea, Outer Mongolia, Rumania, Union of Soviet Socialist Republics, Poland (including Danzig), or Cuba, until a complete outward foreign manifest and all required export declarations have been filed with the district director of customs.

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759, R.S. 4197, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 46 U.S.C. 91.)

PART 6—AIR COMMERCE REGULATIONS

The last proviso at the end of the second sentence of section 6.8(a) of the Customs Regulations is amended to read as follows:

and provided further that no aircraft shall be cleared until the completed cargo manifest and all required shipper's export declarations have been filed with the customs officer in charge if the aircraft is departing on a flight from the United States directly or indirectly to a country or other destination in country groups designated W, Y, or Z of the Export Regulations (15 CFR, part 370, supplement No. 1).

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759, R.S. 4197, as amended, sec. 1109, 72 Stat. 799, sec. 904, 72 Stat. 787; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 46 U.S.C. 91, 49, U.S.C. 1509, 1474.)

Effective Date: This amendment shall become effective on the date of its publication in the Federal Register.

(216.4)

EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved December 31, 1969:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register January 16, 1970 (35 F.R. 599)]

(T.D. 70-7)

Cotton textiles—Restrictions on entry

Restrictions on certain categories of cotton textile products manufactured or produced in Malta

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 5, 1970.

There is published below the directive of December 9, 1969, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restrictions on entry into the United States of cotton textile products in categories 43, 51, and 60, manufactured or produced in Malta.

This directive was published in the Federal Register on December 12, 1969 (34 F.R. 19629), by the Interagency Textile Administrative Committee.

(343.3)

ROBERT V. McINTYRE,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

December 9, 1969.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962,

pursuant to the bilateral cotton textile agreement of June 14, 1967, between the Governments of the United States and Malta, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1970, and for the twelve-month period extending through December 31, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, in excess of the following designated levels of restraint:

<i>Category</i>	<i>Twelve-month level of restraint</i>
43	73,625 dozen
51	26,046 dozen
60	44,568 dozen

In carrying out this directive entries of cotton textiles and cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, which have been exported to the United States from Malta prior to January 1, 1970, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1969, through December 31, 1969. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 14, 1967, between the Governments of the United States and Malta which provide in part that within the aggregate and applicable group limit for apparel, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malta and with respect to imports of cotton textiles and cotton textile products from Malta have been determined by the President's Cabinet Textile

Advisory Committee to involve foreign affairs functions of the United States. Therefore, directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

MAURICE H. STANS,
*Secretary of Commerce,
Chairman, President's Cabinet
Textile Advisory Committee.*

(T.D. 70-8)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textiles manufactured or produced in Malaysia

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 5, 1970.

There is published below the directive of December 9, 1969, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the United States of cotton textiles in category 26 (other than duck), manufactured or produced in Malaysia.

This directive was published in the Federal Register on December 12, 1969 (34 F.R. 19628), by the Interagency Textile Administrative Committee.

(343.3)

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

December 9, 1969.

COMMISSIONER OF CUSTOMS
*Department of the Treasury
Washington, D.C. 20226*

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962,

including Article 6(c) thereof relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning October 10, 1969 and extending through October 9, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 26 (other than duck),¹ produced or manufactured in Malaysia, in excess of a level of restraint for the period of 1,675,207 square yards.²

In carrying out this directive, entries of cotton textile products in Category 26 (other than duck), produced or manufactured in Malaysia and which have been exported to the United States from Malaysia prior to October 10, 1969, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 26 (other than duck), in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

MAURICE H. STANS,
*Secretary of Commerce,
Chairman, President's Cabinet
Textile Advisory Committee.*

¹ The T.S.U.S.A. Nos. for duck fabric not covered by this directive are:

320...01 through 04, 06, 08	326...01 through 04, 06, 08
321...01 through 04, 06, 08	327...01 through 04, 06, 08
322...01 through 04, 06, 08	328...01 through 04, 06, 08

² This level has not been adjusted to reflect any entries made on or after October 10, 1969.

(T.D. 70-9)

Bonds

Approval of consolidated aircraft bond (air carrier blanket bond), Customs Form 7605

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 5, 1970.

The following consolidated aircraft bond has been approved as follows:

Name of principal and surety	Date of bond	Date of approval	Filed with district director of customs; amount
National Airlines, Inc., Miami, Fla.; Continental Casualty Co.	Dec. 16, 1969	Dec. 23, 1969	Miami, Fla.; \$100,000

The foregoing principal has been designated as a carrier of bonded merchandise.

(232.1)

ROBERT V. McINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(T.D. 70-10)

Bonds

Approval of bond for the control of identified shipping containers

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 5, 1970.

The following bond for the control of identified shipping containers has been approved:

Name of principal and surety	Date of bond	Date of approval	Filed with district director of customs
Compass Container Co., Inc., 1015 Market Ave., Richmond, Calif., General Ins. Co. of America	Nov. 15, 1969	Dec. 16, 1969	San Francisco, Calif.

(542.113)

ROBERT V. McINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(T.D. 70-11)

Foreign currencies—Quarterly list of rates of exchange

Lists of rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for use during the quarter beginning January 1 through March 31, 1970

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 5, 1970.

The appended table lists the rates of exchange of certain foreign currencies first certified to the Secretary of the Treasury by the Federal Reserve Bank of New York under the provisions of section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), for a day in the quarter beginning January 1, 1970. The rates are published for the information and use of customs officers and others concerned pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

List of values of foreign currencies certified to the Secretary of the Treasury by the Federal Reserve Bank of New York under provisions of section 522(c), Tariff Act of 1930, as amended

QUARTER BEGINNING JANUARY 1 THROUGH MARCH 31, 1970

Country	Name of Currency	Dollars
Australia.....	Dollar.....	1. 115670
Austria.....	Schilling.....	. 0386826
Belgium.....	Franc.....	. 0201316
Canada.....	Dollar.....	. 931900
Ceylon.....	Rupee.....	. 167716
Finland.....	Markka.....	. 237475
France.....	Franc.....	. 179800
Germany.....	Deutsche Mark.....	. 271262
India.....	Rupee.....	. 132425
Ireland.....	Pound.....	2. 400300
Italy.....	Lira.....	. 00159231
Japan.....	Yen.....	. 00279475
Malaysia.....	Dollar.....	. 324793
Mexico.....	Peso.....	. 0800560
Netherlands.....	Guilder.....	. 275625
New Zealand.....	Dollar.....	1. 116791
Norway.....	Krone.....	. 139979
Portugal.....	Escudo.....	. 0350593
Republic of South Africa.....	Rand.....	1. 394943
Spain.....	Peseta.....	. 0142250
Sweden.....	Krona.....	. 193550
Switzerland.....	Franc.....	. 231387
United Kingdom.....	Pound.....	2. 400300

(T.D. 70-12)

Synopses of Drawback decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 5, 1970.

The following are synopses of drawback rates and amendments issued May 16 to December 19, 1969, inclusive, pursuant to sections 22.1 and 22.5, inclusive, Customs Regulations; and approval under section 22.6, Customs Regulations.

(731.1)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(A) *Aminostilbene sulfonic acid, 20%, Tinopal RBS 200%, Tinopal RBSG 200%, and Brightener KC.*—T.D. 45857-D, as extended and amended, covering, among other things, oxypyrimidine and diazinon manufactured under section 1313(b) by Geigy Chemical Corp., Ardsley, N.Y., at its McIntosh, Ala. factory with the use of methyl acetoacetate, is hereby further amended to cover 20% aminostilbene sulfonic acid manufactured under the provisions of section 1313(a) by the said company at its Cranston, R.I., factory with the use of imported 77-90% aminostilbene sulfonic acid, and to cover Tinopal RBS 200%, Tinopal RBSG 200%, and Brightener KC manufactured under section 1313(b) at its factory, above, with the use of 20% aminostilbene sulfonic acid.

Amendment effective on articles manufactured on and after April 1, 1964, and exported on and after April 15, 1964.

Supplemental statements of December 14, 1966, and September 4, 1969, forwarded to regional commissioner of customs, New York, N.Y., December 1, 1969.

(B) *Butyrolactone; butanediol; butynediol; formaldehyde.*—T.D. 55580-I, as amended by T.D.'s 56082-A and 69-160-E, covering chemical intermediates and finished chemical products manufactured under section 1313(b) by GAF Corp., New York, N.Y., at its Calvert City, Ky., factory with the use of imported butyrolactone, further amended to cover butyrolactone, butanediol, butynediol, and formaldehyde manufactured under section 1313(b) by the above company at the said factory with the use of methanol.

Amendment effective on articles manufactured on and after April 14, 1966, and exported on and after September 20, 1966.

Manufacturer's supplemental statements of July 23, 1968, and October 6, 1969, forwarded to regional commissioner of customs, New York, N.Y., December 8, 1969.

(C) *Cans, tin.*—T.D. 56365-C, as amended by T.D.'s 68-117-A and 69-246-C, covering tin cans manufactured under section 1313(b) by United Can Company, La Mirada, Calif., at its factories located at Fullerton, Hayward, and La Mirada, Calif., and Perrysburg, Ohio, with the use of electrolytic tinplate, further *amended* to cover tin cans manufactured by the company under section 1313(b) at the above-mentioned factories with the use of tin free steel plate.

Amendment effective on articles manufactured on and after July 1, 1968, and exported on and after May 25, 1969.

Supplemental statement of September 23, 1969, forwarded to regional commissioner of customs, Los Angeles, Calif., December 17, 1969.

(D) *Catalyst, platinum, aluminum oxide.*—Manufactured under section 1313(b) by UOP Process Div., Universal Oil Products Co., Des Plaines, Ill., at its factories located at McCook, Ill., and Shreveport, La., with the use of chloroplatinic acid solution.

Rate effective on articles manufactured on and after September 29, 1968, and exported on and after November 14, 1968.

Manufacturer's statement of September 13, 1969, forwarded to regional commissioner of customs, San Francisco, Calif., December 11, 1969.

(E) *Chemical products.*—T.D. 68-230-B, covering tetrahydrofuran manufactured under section 1313(b) by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del., at its Niagara Falls, N.Y., factory with the use of 1,4-Butanediol; polytetramethylene ether glycol manufactured with the use of tetrahydrofuran or 1,4-Butanediol at its Niagara Falls, N.Y., factory; Lycra Spandex fiber manufactured at its Waynesboro, Va., factory with the use of polytetramethylene ether glycol; and adiprene Urethane rubber manufactured at its Deepwater, N.J., factory with the use of tetrahydrofuran or 1,4-Butanediol, *amended* to cover tetrahydrofuran (THF) manufactured under section 1313(b) at an additional factory at La Porte, Tex., with the use of 1,4-Butanediol.

Amendment effective on articles manufactured and exported on and after February 14, 1969.

Supplemental statement of September 19, 1969, forwarded to regional commissioner of customs, Baltimore, Md., November 20, 1969.

(F) *Chromium oxide; chromium metal and alloys.*—T.D. 55081-J, as amended, covering, among other things, powdered alloys manufactured under section 1313(b) by Shieldalloy Corp., Newfield, N.J., with

the use of alloys, further *amended* to cover chromium oxide manufactured under section 1313(a) by the company with the use of imported sodium bichromate; to cover chromium metal and alloys manufactured under section 1313(a) with the use of chromium oxide manufactured hereunder; to cover chromium oxide manufactured under section 1313(b) with the use of sodium bichromate; and to cover chromium metal and alloys manufactured under section 1313(b) with the use of chromium oxide.

Amendment effective on articles manufactured and exported on and after October 31, 1963.

Manufacturer's supplemental statements of September 13, 1966, and January 24, 1969, forwarded to regional commissioner of customs, New York, N.Y., December 17, 1969.

(G) *Confectionery*.—T.D. 48531-A, as amended, covering, among other things, confectionery manufactured under section 1313(a) and (b) by Tootsie Roll Industries, Inc., Hoboken, N.J., at its factories located at Hoboken, N.J., and Los Angeles, Calif., with the use of hard refined or liquid refined sugar, further *amended* to cover a change in location of company's Hoboken, N.J., office and factory to Chicago, Ill.

Amendment effective on articles manufactured and exported on and after July 15, 1968.

Amendment issued by regional commissioner of customs, New York, N.Y., November 14, 1969.

(H) *Electro-hydraulic pumps*.—Manufactured under section 1313(a) by Racine and Vickers-Armstrongs, Inc., Racine, Wis., with the use of imported axial piston hydraulic pumps.

Rate effective on articles manufactured and exported on and after October 8, 1968.

Rate issued by regional commissioner of customs, Chicago, Ill., October 21, 1969.

(I) *Ethylene amines*.—Manufactured under section 1313(b) by The Dow Chemical Co., Midland, Mich., at its Ludington, and Midland, Mich., and Freeport, Tex., factories, with the use of technical anhydrous ammonia.

Rate effective on articles manufactured on and after August 1, 1968, and exported on and after October 12, 1968.

Manufacturer's statement of July 1, 1969, forwarded to regional commissioner of customs, Chicago, Ill., November 14, 1969.

(J) *Formulations, piperazine*.—T.D. 67-272-0, covering epoxy resins manufactured under section 1313(b) by The Dow Chemical Co., Midland, Mich., at its Freeport, Tex., factory with the use of bisphenol A, *amended* to cover piperazine formulations manufactured by the

company under section 1313(b) at its factories located at Midland, Mich., and Freeport, Tex., with the use of crude piperazine.

Amendment effective on articles manufactured on and after December 1, 1966, and exported on and after January 20, 1967.

Manufacturer's supplemental statement of July 1, 1969, forwarded to regional commissioner of customs, Chicago, Ill., November 28, 1969.

(K) *Magnesium alloy*.—T.D. 67-126-H, covering magnesium alloy ingots manufactured under section 1313(b) by The Dow Chemical Co., Midland, Mich., at its factories located at Freeport, Tex., and Madison, Ill., with the use of primary magnesium metal, *amended* to cover magnesium alloy manufactured under section 1313(b) by the above company at the stated factories with the use of aluminum and aluminum alloy ingots.

Amendment effective on articles manufactured on and after October 20, 1966, and exported on and after December 17, 1966.

Manufacturer's supplemental statement of February 27, 1968, forwarded to regional commissioner of customs, Chicago, Ill., December 12, 1969.

(L) *Minerals, crushed and graded*.—Manufactured under section 1313(b) by Frank Samuel & Co., Inc., King of Prussia, Pa., at its factories located at Camden, N.J.; Conshohocken, Pa.; Brownsville, Tex.; and Lynchburg, Va., with the use of bulk ore, metal or ferroalloy.

Rate effective on articles manufactured on and after June 1, 1966, and exported on and after March 6, 1969.

Manufacturer's statements of July 10, 1969, and October 30, 1969, forwarded to regional commissioner of customs, Baltimore, Md., December 3, 1969.

(M) *Parathion, ethyl and methyl, technical; formulated agricultural insecticides*.—T.D. 54109-D, as amended by T.D.'s 54255-F, 54990-C, and 54642-J, covering, among other things, agricultural or household insecticides manufactured under section 1313(a) by Stauffer Chemical Co., New York, N.Y., at its Vernon, Calif.; Bayonne, N.J.; and Houston, Tex., factories with the use of imported technical lindane (gamma benzene hexachloride), further *amended* to cover technical ethyl and methyl parathion and formulated agricultural insecticides manufactured by the company under section 1313(b) at its factories located at Vernon, Calif.; Tampa, Fla.; Dayton, N.J.; Mount Pleasant, Tenn.; and Houston, Tex., with the use of para-nitrophenol.

Amendment effective on articles manufactured and exported on and after April 1, 1968.

Manufacturer's supplemental statement of September 16, 1969, forwarded to regional commissioner of customs, New York, N.Y., December 8, 1969.

(N) *Parts, replacement, earth moving equipment.*—T.D. 67-137-E, covering bucket pins and upper tumbler heel plates manufactured under section 1313(b) by Berkeley Forge & Tool, Inc., Berkeley, Calif., with the use of steel bars and plates, *amended* to cover dredge and earthmoving equipment replacement parts manufactured by the company under section 1313(b) with the use of steel billets, slabs, sheet bars, or bars.

Amendment effective on articles manufactured on and after July 1, 1966, and exported on and after September 26, 1966.

Manufacturer's statements of February 7, 1969, and September 19, 1969, forwarded to regional commissioner of customs, San Francisco, Calif., December 5, 1969.

(O) *Pepsi Cola concentrate.*—T.D. 69-160-O covering Pepsi Cola concentrate manufactured under section 1313(a) by Pepsi Cola Mfg. Co., Inc., Bayamon, P.R., with the use of imported caffeine, *amended* to cover change in location of factory from Bayamon, P.R., to Carolina, P.R.

Amendment effective on articles manufactured and exported on and after September 5, 1968.

Amendment issued by district director of customs, San Juan, P.R., October 3, 1969.

(P) *Plastics and resins, petrochemicals; polypropylene resins, film, yarns and fabrics.*—(1) Petrochemical plastics and resins manufactured under section 1313(b) by Avisun Corp., Philadelphia, Pa., at its New Castle, Del., factory with the use of propylene, and (2) polypropylene resins, film, yarns and fabrics manufactured by the company under section 1313(b) at its New Castle, Del., and Hazelhurst and Nashville, Ga., factories with the use of polypropylene resin.

Rate effective on articles covered by (1), above, which are manufactured on and after January 1, 1967, and exported on and after May 5, 1967, and on articles covered by (2), above, which are manufactured on and after October 1, 1968, and exported on and after November 1, 1968.

Manufacturer's statements of August 4, 1969, and August 5, 1969, forwarded to regional commissioner of customs, Baltimore, Md., December 19, 1969.

(Q) *Radio-stereo-phonograph sets.*—T.D. 67-98-P, covering the foregoing articles manufactured under section 1313(a) by Morse In-

dustries Inc., Ozone Park, N.Y., with the use of imported phono-record changers, radio chassis, speakers, and unassembled wood cabinets, *amended* to cover the foregoing articles manufactured by Morse Electro Products Corp., Ozone Park, N.Y., *successor*.

Amendment effective on articles exported on and after February 28, 1967, date of succession.

Amendment issued by regional commissioner of customs, New York, N.Y., November 6, 1969.

(R) *Resinoids*.—T.D. 68-51-M; covering tonka bean oil manufactured under section 1313(a) by Fries & Bro., Inc., Carlstadt, N.J., with the use of imported tonka beans, *amended* to cover resinoids manufactured by the said company with the use of imported tobacco.

Amendment effective on articles manufactured and exported on and after June 4, 1969.

Amendment issued by regional commissioner of customs, New York, N.Y., November 10, 1969.

(S) *Saws, band, hand, and circular*.—T.D. 55898-A, as amended by T.D. 68-144-C, covering hacksaw blades manufactured under section 1313(b) by Nicholson File Co., Providence, R.I., with the use of high speed steel sheets, further *amended* to cover band saws, hand saws, and circular saws manufactured at its Warren, Mich., and Greenville, Miss., factories, with the use of strip steel and steel in coils.

Amendment effective on articles manufactured and exported on and after December 1, 1968.

Supplemental statement forwarded to regional commissioner of customs, Boston, Mass., October 23, 1969.

(T) *Sodium propionate and calcium propionate*.—T.D. 66-214-K, covering the foregoing articles manufactured under section 1313(b) by Washine Chemical Corp., Lodi, N.J., with the use of liquid propionic acid, *amended* to cover the said articles manufactured by Malinckrodt Chemical Works, Washine Div., St. Louis, Mo., *successor*.

Amendment effective on articles exported on and after January 1, 1969, date of succession.

Amendment issued by regional commissioner of customs, New York, N.Y., November 7, 1969.

(U) *Steel stampings and forms*.—T.D. 55622-I, as amended by T.D.'s 56197-V and 56500-L, covering the foregoing articles manufactured under section 1313(b) by The Budd Co., Philadelphia, Pa., at its Detroit, Mich.; Gary, Ind.; and Philadelphia, Pa., factories with the use of hot and cold rolled steel sheets and galvanized steel sheets in

coils or cut lengths, further *amended* to cover (1) the foregoing articles manufactured at the above-mentioned factories under section 1313(b) with the use of hot rolled black steel sheets in coils or cut lengths and hot rolled steel bars, and (2) all of the foregoing articles manufactured at an additional factory at Clinton, Mich.

Amendment effective on articles covered by (1), above, manufactured on and after March 15, 1962, and exported on and after March 19, 1962, and covered by (2), above, manufactured and exported on and after October 1, 1965.

Supplemental statement of September 19, 1969, forwarded to regional commissioners of customs, Baltimore, Md., and Chicago, Ill., December 19, 1969.

(V) *Steroid chemical products*.—Manufactured under section 1313 (a) by Phytogen Products, Inc., Caguas, P.R., with the use of imported epoxy pregnenolone acetate, diosgenin, and raney type nickel.

Rate effective on: Dehydro pregnenolone acetate and 17-Alpha-acetoxy progesterone and related intermediate products containing domestic nickel catalyst, manufactured on and after January 11, 1967, and exported on and after February 17, 1967; and on 17-Alpha-acetoxy progesterone and related intermediate products containing imported foreign nickel catalyst, manufactured and exported on and after October 27, 1967.

Rate issued by district director of customs, San Juan, P.R., May 16, 1969.

(W) *Syrups and Molasses, and washed raw sugar*.—T.D. 50121-N, as amended, covering, among other things, syrups and molasses manufactured under section 1313(a) and (b) by Refined Syrups & Sugars, Inc., Yonkers, N.Y., with the use of sugars and syrups, further *amended* (1) to cover such products manufactured by Refined Syrups & Sugars, Corn Products Co., *successor*; and, (2) to cover a change in name of the successor company from Refined Syrups & Sugars, Corn Products Co., to Refined Syrups & Sugars, CPC International Inc.

Amendment effective on articles covered by amendment (1) which are exported on and after January 1, 1969, date of succession, and on articles, covered by amendment (2) which are exported on and after April 26, 1969, date of change in name.

Amendment issued by regional commissioner of customs, New York, N.Y., November 7, 1969.

(X) *Tinplate, lithographed*.—Manufactured under section 1313(b) by Caribe Metal Decorating Corp., Hato Rey, P.R., with the use of electrolytic and hot dip tinplate.

Rate effective on articles manufactured on and after May 1, 1968, and exported on and after May 6, 1968.

Manufacturer's statement of May 19, 1969, forwarded to regional commissioner of customs, Miami, Fla., October 31, 1969.

(Y) *Wall panels and doorskins, prefinished and printed.*—T.D. 54728-G, as amended by T.D.'s 55003-K, 55214-H, 56328-Z, and 69-132-W, covering completely prefinished and printed wall panels and doorskins manufactured under section 1313(a) by Evans Products Co., Corona, Calif., at its factories located at Corona, Calif., Fort Wayne, Ind., and Aberdeen, Wash., with the use of imported doorskins and plywood panels, further *amended* to cover an additional factory located at West Chesapeake, Va.

Amendment effective on articles manufactured on and after January 1, 1967, and exported on and after September 27, 1967.

Amendment issued by regional commissioner of customs, Los Angeles, Calif., July 18, 1969.

(Z) *Yarn, textured nylon.*—Manufactured under section 1313(b) by Madison Throwing Co., Inc., Madison, N.C., at its Milledgeville, Ga., and Madison, Mayodan, and Stoneville, N.C., factories with the use of nylon yarn.

Rate effective on articles manufactured and exported on and after March 13, 1969.

Manufacturer's statement of August 29, 1969, forwarded to regional commissioner of customs, New York, N.Y., November 21, 1969.

Approval under section 22.6, Customs Regulations

(1) *Petroleum products.*—Manufactured under section 1313(b) by Leonard Refineries, Inc., Alma, Mich., at its Alma and Mt. Pleasant, Mich., plants with the use of crude petroleum.

Approval effective on articles manufactured and exported on and after March 13, 1964.

Statement of June 20, 1968, forwarded to regional commissioner of customs, Chicago, Ill., November 14, 1969.

(T.D. 70-13)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 8, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.
(133.121)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

INSTRUMENTS OF INTERNATIONAL TRAFFIC

T.D. 70-13(1) *Devices to secure automobiles within containers.*—A device consisting of two steel hooks, a length of steel cable, and a ratchet, 4 units of which will be used to secure one automobile within a container, is not a substantial holder or container within the meaning of item 808.00, Tariff Schedules of the United States, and accordingly may not be designated as an instrument of international traffic under section 10.41a, Customs Regulations, as amended by T.D. 69-146 and T.D. 69-216. Because of the manner in which used, however, the device, pursuant to section 10.41a(a)(3), is considered as part of the normal accessories or equipment of a container used to transport export cargoes of automobiles and may be admitted without entry or the payment of duty when in use as part of a container admitted as an instrument of international traffic, subject to compliance with the requirements of section 10.41a and the restrictions on internal use in the United States in section 10.41a(f). Bureau letter dated December 17, 1969. (542.112).

T.D. 70-13(2) *Drums for shipment of antiknock compound.*—Steel drums of domestic and foreign manufacture, DOT-5 classification, with an average life of 5 to 6 years, a capacity of 55 gallons and a tare weight of 146 pounds, capable of being marked with the name of the

owner and other identifying data, used for shipment of antiknock compound to foreign countries and returned empty for reuse, are of a class specified as instruments of international traffic in section 10.41a, Customs Regulations, as amended by T.D. 69-146 and T.D. 69-216, and may be released without entry or the payment of duty, subject to compliance with the provisions of that section. Bureau letter dated December 15, 1969. (542.112).

TARIFF CLASSIFICATION

T.D. 70-13(3) Batteries, storage. Nickel cadmium.—Nickel cadmium batteries, classifiable under the provision for Storage batteries * * * : * * * Other, in *item 683.15*, TSUS. Bureau letter dated October 21, 1969. (492.123)

T.D. 70-13(4) Compounds, benzenoid. 6-Aminopenicillanic acid (6APA).—6-Aminopenicillanic acid, used as a precursor in the manufacture of certain synthetic penicillins and derived from benzyl penicillin, is classifiable under the provision for All other products, by whatever name known, not provided for in subpart A or C of this part, including acyclic organic chemical products, which are obtained, derived, or manufactured in whole or in part from any of the cyclic products having a benzenoid, quinoid, or modified benzenoid structure provided for in the foregoing provisions of this subpart * * * : * * * Other, in *item 403.80*, TSUS. Bureau letter dated November 18, 1969. (411.2)

T.D. 70-13(5) Inorganic chemical compounds. Ammonium per-rhenate.—Ammonium per-rhenate is classifiable under the provision for Ammonium compounds: * * * Other, in *item 417.44*, TSUS. Bureau letter dated December 10, 1969. (417.44)

T.D. 70-13(6) Inorganic chemical compounds. Beryllium hydroxide.—Beryllium hydroxide is classifiable under the provision for Beryllium compounds: * * * Other, in *item 417.92*, TSUS. Bureau letter dated December 10, 1969. (417.43)

T.D. 70-13(7) Inorganic chemical compounds. Colemanite ore.—Colemanite ore washed, cleaned, and ground classifiable under the provision for Calcium compounds: * * * Borate, crude, in *item 418.12*, TSUS. Such ore which is also screened, classifiable under the provision for Calcium compounds: * * * Other, in *item 418.32*, TSUS. Bureau telegram dated December 11, 1969. (417.323)

T.D. 70-13(8) Iron or steel articles, nspf. Reel stands.—Reel stands, articles of iron or steel, without power, used to provide a free-wheeling base for cable reels, classifiable under the provisions for Articles of iron or steel, not coated or plated with precious

metal: * * * other articles: * * * Other, in *item 657.20*, TSUS. Bureau letter dated December 15, 1969. (426.89)

T.D. 70-13(9) *Microscopes, compound optical, frames and mountings and parts thereof, micro projector.*—Micro projector, a device used in conjunction with a microscope, which projects through the optical system of a microscope to a large halation-proof frosted glass screen, with a self contained 500 watt projection lamp and a heavy duty fan for cooling in order to eliminate heat from specimens, classifiable under the provision for Compound optical microscopes * * * and similar microscopes * * * with means for photographing or projecting the image; frames and mountings for the foregoing articles, and parts of such frames and mountings: Compound optical microscopes: * * * Frames and mountings, and parts thereof: For compound optical microscopes, in *item 708.80*, TSUS, and not under the provision for Projectors * * * with or without sound reproducing, or sound recording and reproducing, systems: Projectors other than motion-picture projectors, in *item 722.40*, TSUS. Bureau letter dated December 15, 1969. (443.6)

T.D. 70-13(10) *Pesticides, benzenoid. Rodenticide.*—A rodenticide, containing strychnine and saccharin, is classifiable under the provision for Products obtained, derived, or manufactured in whole or in part from any product provided for in Subpart A or B of this part (benzenoid): * * * Pesticides, in *item 405.15*, TSUS. Bureau letter dated December 5, 1969. (411.1)

T.D. 70-13(11) *Pigments. Urea or melamine formaldehyde pigments.*—Urea or melamine formaldehyde pigments, fine white powders of high refractive index, used as white pigments in rubber, plastics, or coatings, are classifiable under the provision for Other pigments * * * Not specially provided for: Not containing lead, in *item 473.88*, TSUS. Bureau letter dated December 18, 1969. (418.43)

T.D. 70-13(12) *Printed matter. Charts.*—Well logs are line graphic recordings of signals received from an electronic sensing instrument that is lowered by cable into a well bore. Line tracings of these well logs done by hand using pens or pencil on acetate or paper scanner forms are considered to be done by a printing process within the purview of *Schedule 2, Part 5, Headnote 1*, TSUS, and therefore, are classifiable under the provision for Charts, in *item 273.35*, TSUS. Bureau letter dated December 22, 1969. (484.2)

T.D. 70-13(13) *Sections, including angles and shapes, iron or steel. Shapes.*—Shapes which are annealed during a cold drawing process in order to protect the material from cracking and to protect the drawing dies from wearing out rapidly are not advanced for the purposes

of *items 609.80 through 609.86*, TSUS. Annealing of shapes after the final cold drawing is an advancement for the purposes of *items 609.80 through 609.86*, TSUS. Bureau letter dated December 12, 1969. (422.313)

T.D. 70-13(14) *Shirts, men's. Ornamentation. Buttons.*—Men's short sleeve dress shirts having non-utilitarian uncovered buttons sewn on vents on the sleeves are not ornamented in a commercial or tariff sense. *Headnote 3(a), Schedule 3*, TSUS, C.D. 2600 noted. Bureau letter dated December 11, 1969. (474.72)

T.D. 70-13(15) *Sporting goods. Target system.*—A fully automatic target system equipped with a registration unit which can be used at all distances up to 500 meters classifiable under the provision for Sport * * * equipment, not specially provided for in *item 735.20*, TSUS. Bureau letter dated December 9, 1969. (484.2)

T.D. 70-13(16) *Structures, iron or steel. Audiometric sound cabins.*—Audiometric sound cabins made of steel, for use by scientists, researchers and industrial specialists where conditions of silence are required, equipped with an acoustical sealed door, safety glass window, ventilation system, light fixtures, switches, wiring, jack panel and jacks classifiable under the provision for Structures * * * Other, in *item 652.98*, TSUS. Bureau letter dated December 12, 1969. (481.39)

T.D. 70-13(17) *Surface-active agents. Motor oil additives.*—Motor oil additive which functions as a detergent and rust preventative composed of magnesium compounds and petroleum is classifiable under the provision for Surface-active agents, in *item 465.95*, TSUS. Bureau letter dated December 17, 1969. (418.1)

T.D. 70-13(18) *Synthetic plastics material. Adhesives.*—Cyanacrylate adhesives which function through chemical reactivity-polymerization following application, rather than surface attachment are classifiable under the provision for Synthetic plastics material: * * * Acrylonitrile resins, in *item 445.10*, TSUS. Bureau letter dated December 18, 1969.

T.D. 70-13(19) *Toys, nspf. Cable car.*—Battery-operated plastic cable car with light, consisting of one car, a 14-foot rayon cable, two hooks, and two stoppers, classifiable under the provisions for Toys, * * *, not specially provided for: * * * Other, in *item 737.90*, TSUS. Bureau letter dated October 21, 1969. (492.123)

T.D. 70-13(20) *Toys, nspf. Monorail set.*—Battery-operated plastic monorail set consisting of one car with light, six curve rails, and twelve stands, classifiable under the provision for Toys * * * not

specially provided for: * * * Other, in *item 737.90*, TSUS. Bureau letter dated October 21, 1969. (492.123)

T.D. 70-13(21) *Toys, nspf. Roller coaster.*—Battery-operated plastic roller coaster consisting of one battery case with escalator, four miniature cars, four connected tracks, four track stands, one winning sign board, and six paper flags, classifiable under the provision for Toys * * * not specially provided for: * * * Other, in *item 737.90*, TSUS. Bureau letter dated October 21, 1969. (492.123)

T.D. 70-13(22) *Toys, nspf. Steamboat.*—Battery-operated plastic 18-inch side-wheel powered steam boat, classifiable under the provision for Toys * * * not specially provided for: * * * Other, in *item 737.90*, TSUS. Bureau letter dated October 21, 1969. (492.123)

T.D. 70-13(23) *Toys, nspf. Train set.*—Battery-operated plastic train set consisting of one fuel car, one locomotive, two passenger cars, twelve curved track sections, and eight paper cut-out road signs, classifiable under the provision for Toys, not specially provided for: * * * Other, in *item 737.90*, TSUS. Bureau letter dated October 21, 1969. (492.123)

T.D. 70-13(24) *Tricycles, Scooters, and other wheeled goods, except skates. Velocipedes.*—Battery-operated velocipedes powered by a 12-volt battery and designed to be ridden by children, classifiable under the provision for Scooters * * * and other wheeled goods (except skates) * * * designed to be ridden by children * * *: * * * Other, in *item 732.52*, TSUS. Bureau letter dated October 21, 1969. (492.123)

T.D. 70-13(25) *Tricycles, scooters, and other wheeled goods except skates. Velocipedes.*—Battery-operated velocipedes such as a three wheeled motorcycle with a miniature side car, and a miniature motorcycle having two main wheels and one small wheel, both of which are powered by a 12-volt battery and designed to be ridden by children, classifiable under the provision for Scooters, * * *, and other wheeled goods (except skates), * * * designed to be ridden by children, * * *: * * * Other, in *item 732.52*, TSUS. Bureau letter dated October 21, 1969. (492.123)

T.D. 70-13(26) *Waste and scrap. Cracked sapphire crystals.*—Cracked sapphire crystals occurring at some point in the manufacturing process of sapphire crystals, which are not useful for any of the purposes for which the original material was suitable and fit only for remanufacture, are classifiable under the provision for Waste and scrap not specially provided for, in *item 793.00*, TSUS. Bureau letter dated December 16, 1969. (442.15)

T.D. 70-13(27) Works of Art. Original mosaics. Birds.—Figures of birds, all certified to be one of a kind and original in design and conception, produced by the shaping of pieces of semi-precious stones and fitting them together to form the figure of a bird or animal, are entitled to free entry as Original mosaics, in *item 765.20*, TSUS, 28 CCR 390, ABS 56359 noted, or under the provision for other works of the free fine arts not provided for elsewhere, in *item 765.25*, TSUS. Bureau letter dated December 17, 1969. (531.2)

(T.D. 70-14)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 7, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from December 29, 1969, through January 2, 1970, rate of \$0.00284895.

Denmark krone:

December 29, 1969	_____	\$0.133503
December 30, 1969	_____	.133509
December 31, 1969	_____	.133537
Holiday		
January 2, 1970	_____	.133518

Hong Kong dollar:

Official rate of \$0.163750 for the period December 15 through December 19, 1969, and December 15 through December 19, 1969, the following Free* rates:

December 15, 1969	_____	\$0.164609*
December 16, 1969	_____	.164406*
December 17, 1969	_____	.16473*
December 18, 1969	_____	.164473*
December 19, 1969	_____	.164406*

*Certified as nominal rates.

Iran rial:

For the period from December 22 through December 26, 1969,
rate of \$0.0132776.

Philippine peso:

For the period from December 22 through December 26, 1969,
rate of \$0.255000.

Thailand baht (tical):

For the period from December 22 through December 26, 1969,
rate of \$0.0478125*.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rate.

(T.D. 70-15)

Special classes of merchandise—Customs Regulations amended

Part 12, Customs Regulations, requirements for importation of certain kinds of wildlife or eggs thereof; section 12.26, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 12—SPECIAL CLASSES OF MERCHANDISE

The Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior, pursuant to authority of section 42, title 18, United States Code, has prescribed by regulation effective January 1, 1970 (Title 50, CFR, sec. 13.7), published in the Federal Register of November 29, 1969 (34 F.R. 19030), that agency's prohibition applying to unpermitted importation, transportation, or acquisition of any live fish or viable eggs of the family Clariidae.

To conform the listing, subdivisions "(i)" through "(x)," in section 12.26(a)(1), Customs Regulations, of wild mammal, bird, and fish species, and the eggs thereof, prohibited importation except as

authorized by permit issued by the Bureau of Sport Fisheries and Wildlife, section 12.26(a) (1) hereby is amended as follows:

Subdivision "(x)" is deleted therefrom. New subdivision "(x)" and subdivision "(xi)" are inserted before the next to last sentence, to read:

(x) any live fish or viable eggs of the family *Clariidae*; (xi) any other species of wild mammals, wild birds, fish (including mollusks and crustacea), amphibians, reptiles, or the offspring or eggs of any of the foregoing which the Secretary of the Interior may describe by regulations to be injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States, is prohibited, except as may be authorized by the issuance of a permit by the Director, Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, the United States Department of the Interior, Washington, D.C. 20240, or his authorized representative.

(Section 42, 62 Stat. 687, as amended; 18 U.S.C. 42.)

Effective date. This amendment shall be effective as of January 1, 1970.

(622.223)

EDWIN F. RAINS,

Acting Commissioner of Customs.

Approved January 2, 1970:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register January 15, 1970 (35 F.R. 531)]

(T.D. 70-16)

Cotton textiles—Restriction on entry

Restrictions on certain categories of cotton textile products manufactured or produced in Poland

TREASURY DEPARTMENT,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., January 13, 1970.

There is published below the letter of December 12, 1969, received by the Commissioner of Customs from the Interagency Textile Administrative Committee amending the levels of restraint for certain categories of cotton textile products manufactured or produced in Poland, contained in the President's Cabinet Textile Advisory Committee directive of February 27, 1969 (T.D. 69-82).

This letter was published in the Federal Register on December 17, 1969, (34 F.R. 19778), by the Interagency Textile Administrative Committee.

(343.3)

MYLES J. AMBROSE,
Commissioner of Customs.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

December 12, 1969.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

On February 27, 1969, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Poland, and exported to the United States on or after March 1, 1969, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments¹ in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of March 15, 1967, between the Governments of the United States and Poland, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of February 27, 1969, the levels of restraint provided in that directive for cotton textile products in Categories 42, 43, and 60, produced or manufactured in Poland and exported from Poland to the United States for the period beginning

¹ The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of March 15, 1967, between the Governments of the United States and Poland which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; and for administrative arrangements.

March 1, 1969, and extending through February 28, 1970, are hereby amended as follows, to be effective as soon as possible:

<i>Categories</i>	<i>Amended Twelve-Month Levels of Restraint*</i>
42	28,941 dozen
43	52,094 dozen
60	15,628 dozen

The actions taken with respect to the Government of Poland and with respect to imports of cotton textiles and cotton textile products from Poland have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

STANLEY NEHMER,
*Chairman, Interagency Textile
Administrative Committee, and
Deputy Assistant Secretary
for Resources*

(T.D. 70-17)

Cotton textiles—Restrictions on entry

Restrictions on certain categories of cotton textiles and cotton textile products manufactured or produced in the Republic of the Philippines

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 13, 1970.

There is published below the directive of December 15, 1969, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restrictions on entry in the United States of cotton textiles and cotton textile products in certain categories manufactured or produced in the Republic of the Philippines.

This directive was published in the Federal Register on December 19, 1969 (34 F.R. 19931), by the Interagency Textile Administrative Committee.

(343.3)

MYLES J. AMBROSE,
Commissioner of Customs.

* These levels have not been adjusted to reflect entries made on or after March 1, 1969.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

December 15, 1969.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of September 21, 1967, as amended, between the Governments of the United States and the Republic of the Philippines, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1970, and for the twelve-month period extending through December 31, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 9, 22, 26, 32, 39, 42, 43, 45, 46, 50, 51, 60, and 61, produced or manufactured in the Republic of the Philippines, in excess of the following levels of restraint:

<i>Category</i>	<i>Twelve-Month Level of Restraint</i>
9	1,378,125 square yards
22	1,653,750 square yards
26	1,378,125 square yards (of which not more than 330,750 square yards may be in duck ¹)
32	3,307,500 dozen
39	303,188 dozen pair
42	33,075 dozen
43	66,150 dozen
45	33,075 dozen
46	11,025 dozen
50	11,025 dozen
51	11,025 dozen
60	9,371 dozen
61	1,708,875 dozen

¹ Only T.S.U.S.A. Nos.:

320.—01 through 04, 06, 08	326.—01 through 04, 06, 08
321.—01 through 04, 06, 08	327.—01 through 04, 06, 08
322.—01 through 04, 06, 08	328.—01 through 04, 06, 08

Entries of cotton textiles and cotton textile products in Categories 9, 22, 26, 32, 39, 42, 43, 45, 46, 50, 51, 60, and 61, produced or manufactured in the Republic of the Philippines and which have been exported to the United States from the Republic of the Philippines prior to January 1, 1970, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1969, through December 31, 1969. In the event that the level of restraint established for the period January 1, 1969, through December 31, 1969, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 21, 1967, between the Governments of the United States and the Republic of the Philippines which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent, for the limited carryover of shortfalls in certain categories to the next agreement year, and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton textiles and cotton textile products from the Republic of the Philippines have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV. 1965-68). This letter will be published in the Federal Register.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-18)

Cotton textiles—Restrictions on entry

Restrictions on certain categories of cotton textiles and cotton textile products
manufactured or produced in Brazil

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 13, 1970.

There is published below the directive of December 15, 1969, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restrictions on entry in the United States of cotton textiles and cotton textile products in certain categories manufactured or produced in Brazil.

This directive was published in the Federal Register on December 19, 1969 (34 F.R. 19929), by the Interagency Textile Administrative Committee.

(343.3)

MYLES J. AMBROSE,
Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

December 15, 1969.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective December 16, 1969, and for the twelve-month period extending through December 15, 1970, entry into the United States for consumption and withdrawal from ware-

house for consumption, of cotton textiles and cotton textile products in Categories 1, 2, 3, and 4, produced or manufactured in Brazil, in excess of a combined level of restraint for the four categories of 6,945,750 pounds.

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1, 2, 3, and 4, produced or manufactured in Brazil, which have been exported to the United States from Brazil prior to December 16, 1969, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods for the twelve-month period beginning December 16, 1968, and extending through December 15, 1969. In the event that the above level of restraint has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-19)

Cotton textiles—Restrictions on entry

Restrictions on certain categories of cotton textiles and cotton textile products
manufactured or produced in Portugal

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 13, 1970.

There is published below the directive of December 15, 1969, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restrictions on entry in the United States of cotton textiles and cotton textile products in certain categories manufactured or produced in Portugal.

This directive was published in the Federal Register on December 19, 1969 (34 F.R. 19929), by the Interagency Textile Administrative Committee.

(343.3)

MYLES J. AMBROSE,
Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

December 15, 1969.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of March 23, 1967, as amended, between the United States and Portugal, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed, effective January 1, 1970 and for the twelve-month period extending through December 31, 1970, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in

Categories 1-2-3-4, 5-6, 9, 22, 24-25, 26, 41-42-43, 46, 50, 51, 52, 53, 55, 60 and parts of 62 produced or manufactured in Portugal, in excess of the following designated levels of restraint:

<i>Category</i>	<i>Twelve-Month Level of Restraint</i>
1-2-3-4	17,012,055 pounds
5-6	9,859,493 sq. yards ¹
9	11,576,250 sq. yards
22	1,736,438 sq. yards
24-25	6,366,938 sq. yards ²
26	2,778,300 sq. yards
41-42-43	104,186 dozen
46	46,305 dozen
50	26,626 dozen
51	26,626 dozen
52	39,359 dozen
53 and parts of 62 (T.S.U.S.A. Nos. 382.0012, 382.0014, 382.0635 & 382.0640)	39,359 dozen
55	26,626 dozen
60	19,680 dozen
Parts of 62 (T.S.U.S.A. Nos. 380.0024, 380.0645, 382.0024 and 382.0665)	64,364 pounds

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1-2-3-4, 5-6, 9, 22, 24-25, 26, 41-42-43, 46, 50, 51, 52, 53, 55, 60 and parts of 62 (T.S.U.S.A. Nos. 382.0012, 382.0014, 382.0635, 382.0640, 380.0024, 380.0645, 382.0024 and 382.0665), produced or manufactured in Portugal, which have been exported to the United States from Portugal prior to January 1, 1970, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1969, through December 31, 1969. In the event that the levels of restraint for such goods have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

In carrying out this directive, entries of two or three piece ladies suits produced or manufactured in Portugal from woven or knit cotton fabrics should not be charged against any of the levels of restraint designated herein, including the level of restraint for blouses in Category 52.

¹ Of this combined level, not more than 5,521,871 sq. yards may be in Category 6.

² Of this combined level, not more than 2,315,250 sq. yards may be in Category 25.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Portugal have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-20)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 14, 1970.

The Federal Reserve Bank of New York, pursuant to section 522 (c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

January 2, 1970	.....	\$0.00284695**
January 5, 1970	.....	.00284425
January 6, 1970	.....	.00284675
January 7, 1970	.....	.00284675
January 8, 1970	.....	.00284050
January 9, 1970	.....	.00284900

**Corrected figure.

Denmark krone:

January 5, 1970-----	\$0.133495
January 6, 1970-----	.133418
January 7, 1970-----	.133420
January 8, 1970-----	.133400
January 9, 1970-----	.133425

Hong Kong dollar:

Official rate of \$0.163750 for the period December 22 through December 26, 1969, and December 22 through December 24 and December 26, 1969, the following Free* rates:

December 22, 1969-----	\$0.164473*
December 23, 1969-----	.164541*
December 24, 1969-----	.164541*
December 26, 1969-----	No rate

Iran rial:

For the period from December 29 through December 31, 1969, and January 2, 1970, rate of \$0.0132443.

Philippine peso:

For the period from December 29 through December 31, 1969, and January 2, 1970, rate of \$0.255000.

Thailand baht (tical):

For the period from December 29 through December 31, 1969, and January 2, 1970, rate of \$0.0478125*.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

ROBERT V. McINTYRE,
Acting Commissioner of Customs.

*Certified as nominal rate.

(T.D. 70-21)

Special tonnage tax and light money—Czechoslovakia—Customs Regulations amended

Foreign discriminating duties of tonnage and impost with respect to vessels of and certain imports from Czechoslovakia suspended and discontinued; section 4.22, Customs Regulations, amended

TREASURY DEPARTMENT,
Washington, D.C., January 12, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

The Secretary of State advised the Secretary of the Treasury on September 18, 1969, that the Department of State has obtained satisfactory proof from Czechoslovakia that since July 24, 1969, no discriminating duties of tonnage or imposts have been imposed or levied in ports of Czechoslovakia upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Czechoslovakia in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization given to me by Treasury Department Order No. 190, Rev. 6, April 9, 1969 (34 F.R. 6298), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of Czechoslovakia, and the produce, manufactures, or merchandise imported into the United States in such vessels from Czechoslovakia or from any other foreign country. This suspension and discontinuance shall take effect as of July 24, 1969, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, section 4.22, Customs Regulations is amended by the insertion of "Czechoslovakia" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141.)

(214.1)

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register January 21, 1970 (35 F.R. 805)]

(T.D. 70-22)

Special tonnage tax and light money—Somali Republic—Customs Regulations amended

Foreign discriminating duties of tonnage and impost with respect to vessels of and certain imports from the Somali Republic suspended and discontinued; section 4.22, Customs Regulations, amended

TREASURY DEPARTMENT,
Washington, D.C., January 12, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

The Secretary of State advised the Secretary of the Treasury on August 6, 1969, that the Department of State has obtained satisfactory proof from the Somali Republic that since July 1, 1960, no discriminating duties of tonnage or imposts have been imposed or levied in ports of the Somali Republic upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into the Somali Republic in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization given to me by Treasury Department Order No. 190, Rev. 6, April 9, 1969 (34 F.R. 6298), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of the

Somali Republic, and the produce, manufactures, or merchandise imported into the United States in such vessels from the Somali Republic or from any other foreign country. This suspension and discontinuance shall take effect from July 1, 1960, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, section 4.22, Customs Regulations, is amended by the insertion of "Somali Republic" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141.)

(214.1)

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register January 21, 1970 (35 F.R. 805)]

(T.D. 70-23)

Presidential Proclamation

Presidential Proclamation No. 3950 of December 24, 1969, providing for the continuation with respect to certain tariff item numbers of the second stage of tariff reductions provided for in Schedule XX to the Geneva (1967) Protocol to the General Agreement on Tariffs and Trade

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 15, 1970.

There is published below Presidential Proclamation No. 3950 of December 24, 1969, which continues in effect with respect to certain tariff item numbers the second stage of tariff reductions provided for in Schedule XX to the Geneva (1967) Protocol to the General Agreement on Tariffs and Trade.

The action taken applies on and after January 1, 1970, to until such time as the President otherwise proclaims.

(012)

EDWIN F. RAINS,
Acting Commissioner of Customs.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to Title II of the Trade Expansion Act of 1962 (19 U.S.C. 1821 to 1888), the President on June 30, 1967, entered into, and by Proclamation No. 3822 of December 16, 1967 (82 Stat. 1455) proclaimed, the Geneva (1967) Protocol to the General Agreement on Tariffs and Trade (hereinafter referred to as the "Geneva (1967) Protocol", 19 UST (pt. 1), p. 18) which is annexed to the Final Act Authenticating the Results of the 1964-67 Trade Conference held under the auspices of the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade (*id.*, p. 5) and which contains a schedule of United States concessions designated as Schedule XX (19 UST (pt. 2), p. 1227);

2. WHEREAS general note 3(f) to Schedule XX to the Geneva (1967) Protocol (other than the footnote thereto) provides as follows:

"(f) If, upon expiration of a period of two years commencing on the effective date of the concession provided for in each of the following items in part I of this schedule, the European Economic Community and the United Kingdom will not continue beyond the second stage all the concessions in chapters 28 through 39 of their respective schedules annexed to the agreement to which this schedule is annexed, the President shall so proclaim, and the rates of duty previously proclaimed for the second stage of the concessions provided for in the following items shall remain in effect unless or until the President proclaims that the European Economic Community and the United Kingdom have agreed to proceed with the further reductions for all the chemical concessions provided for in chapters 28 through 39 of their schedules:

415.27	420.82	425.88	437.55	470.85	493.21
416.10	420.86	426.10	437.58	472.24	493.47
416.30	421.04	426.14	437.69	472.30	495.05
417.32	421.08	426.28	437.84	473.28	495.15
417.50	421.16	426.36	439.30	473.46	519.37
418.24	421.18	426.42	445.20	473.48	632.04
418.60	421.44	427.72	450.20	473.60	723.05
418.62	421.46	428.52	452.24	474.66	723.15
418.76	421.54	429.26	452.48	474.20	755.10
419.00	422.72	429.34	452.80	474.22	755.40
419.22	422.76	429.42	461.20	474.26	755.45
420.14	422.90	437.22	466.15	474.60	771.20
420.18	425.84	437.30	470.15	493.20	771.40
					790.37"

3. WHEREAS the Schedules of the European Economic Community and the United Kingdom annexed to the Geneva (1967) Protocol provide that the continuation of certain concessions set forth in Chapters 28 through 39 of such Schedules shall be conditional upon the elimination by the United States of the American selling price system

of valuation as the basis for determining the dutiable value of certain chemicals (Sched. XL, general notes, par 7; Sched. XIX, sec. A, pt. I, par. 6, 19 UST (pt. 3), pp. 2956, 3266, 19 UST (pt. 1), p. 788, as provided for in Part II of the Agreement Relating Principally to Chemicals Supplementary to the Geneva (1967) Protocol (II. Doc. 184, 90th Cong., 1st sess., p. 3613)) :

4. WHEREAS the American selling price system of valuation will not have been so eliminated at the close of December 31, 1969; and

5. WHEREAS I have been informed that, at the close of December 31, 1969 (which will be the expiration of the period of two years commencing on January 1, 1968, the effective date of the concessions provided for in each item in Part I of Schedule XX to the Geneva (1967) Protocol listed in general note 3(f) set forth in the second recital of this proclamation), the European Economic Community and the United Kingdom will not continue beyond the second stage all the concessions in Chapters 28 through 39 of their respective Schedules annexed to the Geneva (1967) Protocol;

Now, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including but not limited to Section 201 of the Trade Expansion Act of 1962, and in accordance with general note 3(f) to Schedule XX to the Geneva (1967) Protocol and the note implementing it at the end of Annex III to the Proclamation of December 16, 1967, do proclaim that:

(1) upon the expiration of December 31, 1969, the European Economic Community and the United Kingdom will not continue beyond the second stage all the concessions in chapters 28 through 39 of their respective Schedules to the Geneva (1967) Protocol, and, as a result thereof,

(2) the rate of duty set forth opposite the number of each item of the Tariff Schedules of the United States listed in the Annex to this proclamation (which is the second stage of the concession provided for in Schedule XX and the rate in the 1969 column in Annex III to the proclamation of December 16, 1967) shall, on and after January 1, 1970, continue in effect in column numbered 1 of each such item unless and until the President proclaims that the European Economic Community and the United Kingdom have agreed to proceed with the future reductions for all the chemical concessions provided for in Chapters 28 through 39 of their Schedules.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of December in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

RICHARD NIXON.

ANNEX

ITEMS IN THE TARIFF SCHEDULES OF THE UNITED STATES AND THE COLUMN 1
RATES OF DUTY THEREFOR

<i>Item</i>	<i>Duty</i>	<i>Item</i>	<i>Duty</i>
415.27	8¢ per lb.	437.58	2% ad val.
416.10	0.4¢ per lb.	437.69	4¢ per lb.
416.30	0.8¢ per lb.	437.84	2% ad val.
417.32	0.5¢ per lb.	439.30	1.5% ad val.
417.50	0.3¢ per lb.	445.20	6¢ per lb.
418.24	0.2¢ per lb.	450.20	6% ad val.
418.60	1.2¢ per lb.	452.24	3.5% ad val.
418.62	1.2¢ per lb.	452.48	3% ad val.
418.76	1.3¢ per lb. on copper content	452.80	3% ad val.
419.00	1.2¢ per lb.	461.20	4% ad val.
419.22	0.25¢ per lb.	466.15	0.8¢ per lb. + 5% ad val.
420.14	1.8¢ per lb.	470.15	4% ad val.
420.18	0.15¢ per lb.	470.85	4% ad val.
420.82	8¢ per lb.	472.24	5% ad val.
420.86	0.2¢ per lb.	472.30	0.4¢ per lb.
421.04	0.45¢ per lb.	473.28	2.7¢ per lb.
421.08	0.2¢ per lb.	473.46	0.45¢ per lb.
421.16	0.4¢ per lb.	473.48	0.8¢ per lb.
421.18	0.2¢ per lb.	473.60	0.8¢ per lb.
421.44	40¢ per ton	473.66	24¢ per lb.
421.46	80¢ per ton	474.20	2% ad val.
421.54	0.15¢ per lb.	474.22	4% ad val.
422.72	0.5¢ per lb.	474.26	2% ad val.
422.76	0.24¢ per lb.	474.60	0.2¢ per lb.
422.90	5% ad val.	493.20	0.4¢ per lb.
425.84	5% ad val.	493.21	2.4¢ per lb.
425.88	9¢ per lb.	493.47	0.4¢ per lb.
426.10	0.2¢ per lb.	495.05	6% ad val.
426.14	3.2¢ per lb.	495.15	4% ad val.
426.28	1.35¢ per lb. on copper content	519.37	0.4¢ per lb.
426.36	1¢ per lb.	632.04	2¢ per lb.
426.42	1.2¢ per lb.	723.05	5% ad val.
427.72	2.4¢ per lb.	723.15	5% ad val.
428.52	2.8¢ per lb.	755.10	1¢ per 1000 matches
429.26	6¢ per lb.	755.40	0.14¢ each
429.34	4.5% ad val.	755.45	0.24¢ each + 0.06¢ each for each 0.5 gram of explosive over 1.5 grams per cap
429.42	6% ad val.		
437.22	2% ad val.	771.20	6¢ per lb.
437.30	2% ad val.	771.40	4% ad val.
437.55	6% ad val.	790.37	6% ad val.

(T.D. 70-24)

Cotton textiles—Restrictions on entry

Restrictions on certain categories of cotton textiles and cotton textile products
manufactured or produced in the Republic of Korea

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 15, 1970.

There is published below the directive of December 15, 1969, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restrictions on entry in the United States of cotton textiles and cotton textile products in certain categories manufactured or produced in the Republic of Korea.

This directive was published in the Federal Register on December 19, 1969 (34 F.R. 19930), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

December 15, 1969.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 11, 1967, between the United States and the Republic of Korea, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed effective January 1, 1970, and for the twelve-month period extending through December 31, 1970, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile

products in Categories 7, 9, 18-19, 22, 26, 31 (T.S.U.S.A. No. 366.2740 only), 34, 45, 46, 49, 50, 51, 52, 54, 60, and 64 (T.S.U.S.A. Nos.: 366.4500, 366.4600, 366.4700, and 347.3340 only), produced or manufactured in the Republic of Korea, in excess of the following twelve-month levels of restraint:

<i>Category</i>	<i>Twelve-Month Level of Restraint</i>
7	578,813 square yards
9	2,894,063 square yards
18-19	2,199,488 square yards
22	926,100 square yards
26 (duck only ¹)	12,733,875 square yards
26 (other than duck)	1,099,744 square yards
31 (only T.S.U.S.A. No. 366.2740)	1,100,902 pieces
34	103,029 pieces
45	34,729 dozen
46	27,783 dozen
49	28,941 dozen
50	48,620 dozen
51	65,985 dozen
52	34,729 dozen
54	52,094 dozen
60	30,098 dozen
64 (only T.S.U.S.A. Nos.: 366.4500, 366.4600, and 366.4700)	529,035 pounds
64 (only T.S.U.S.A. No. 347.3340)	64,827 pounds

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in the Republic of Korea, which have been exported to the United States from the Republic of Korea prior to January 1, 1970, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods for the twelve-month period beginning January 1, 1969, and extending through December 31, 1969. In the event that the level of restraint for the twelve-month period ending December 31, 1969, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

¹ Only T.S.U.S.A. Nos.:

320.—01 through 04, 06, 08
321.—01 through 04, 06, 08
322.—01 through 04, 06, 08

326.—01 through 04, 06, 08
327.—01 through 04, 06, 08
328.—01 through 04, 06, 08

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea which provides in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-25)

Cotton textiles—Restrictions on entry

Restrictions on certain categories of cotton textiles and cotton textile products manufactured or produced in the Socialist Federal Republic of Yugoslavia

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 15, 1970.

There is published below the directive of December 9, 1969, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restrictions on entry into the United States of cotton textiles and cotton textile products in certain categories manufactured or produced in the Socialist Federal Republic of Yugoslavia.

This directive was published in the Federal Register on December 12, 1969 (34 F.R. 19629), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

December 9, 1969.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of September 26, 1967, between the United States and the Socialist Federal Republic of Yugoslavia, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1970, and for the twelve-month period extending through December 31, 1970, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton

textiles and cotton textile products in Categories 9, 18-19, 22, 26 (duck only¹), 26 (other than duck), 28-29, 31, 34-35, 48 and 49, produced or manufactured in the Socialist Federal Republic of Yugoslavia, in excess of the following levels of restraint:

<i>Category</i>	<i>Twelve-Month Level of Restraint</i>
9	7,717,500 square yards
18-19	1,102,500 square yards
22	1,764,000 square yards
26 (duck ¹)	2,205,000 square yards
26 (other than duck)	1,653,750 square yards
28-29	559,386 pieces
31	522,751 pieces
34-35	355,644 pieces
48	3,766 dozen
49	16,961 dozen

Entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Yugoslavia, and exported to the United States prior to January 1, 1970, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period January 1, 1969, through December 31, 1969. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 26, 1967, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carry-over of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

¹ T.S.U.S.A. Nos.:

320.—01 through 04, 06, 08
321.—01 through 04, 06, 08
322.—01 through 04, 06, 08

326.—01 through 04, 06, 08
327.—01 through 04, 06, 08
328.—01 through 04, 06, 08

The actions taken with respect to the Government of the Socialist Federal Republic of Yugoslavia and with respect to imports of cotton textiles and cotton textile products from the Socialist Federal Republic of Yugoslavia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-26)

Instruments of international traffic

Certain 3-legged and 4-legged holders used to transport coil wire designated as instruments of international traffic

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 15, 1970.

It has been established to the satisfaction of the Bureau that wire carriers of structural steel tubing, each about 4 feet high, with a base diameter ranging from 34 to 42 inches, and weighing from 35 to 51 pounds, with 3 legs resting on a triangular base or 4 legs resting on a rectangular base, one leg to each side, the tops of the legs curved inward to a common center, used to transport coil wire, are substantial, designed for and capable of repeated use in transportation, and used in substantial numbers in international traffic.

Under the authority of section 10.41a(a), Customs Regulations, I hereby designate the above-described wire carriers as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These wire carriers may be released under the procedures provided for in section 10.41a.

(542.112)

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

[Published in the Federal Register January 21, 1970 (35 F.R. 818)]

(T.D. 70-27)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 19, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.

(133.121)

ROBERT V. McINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

MARKING

T.D. 70-27(1) *Twist drills.*—Paper sticker labels are not an acceptable means of marking the country of origin on twist drills. Marking by die stamping, etching, or some other permanent method is acceptable. In the case of twist drills imported in individual cardboard tubes, which are sold to the ultimate purchaser in such tubes, the marking of the name of the country of origin on the tube in a legible and conspicuous manner meets the requirements of 19 U.S.C. 1304. Bureau letter dated December 23, 1969. (363.2)

TARIFF CLASSIFICATION

T.D. 70-27(2) *Baseball equipment. Baseball glove.*—A flimsily constructed junior edition vinyl baseball glove measuring 9½ inches by 7½ inches which is not suitable for use by children particularly those below the age of eight in a regular or organized game of baseball, classifiable under the provisions for Toys * * * not specially provided for: * * * other, in *item 737.90*, TSUS. C.D. 3671 distinguished. Bureau letter dated December 12, 1969. (492.24)

T.D. 70-27(3) *Benzenoid colors. Color concentrates.*—Benzenoid pigments dispersed in nonbenzenoid plastic media (synthetic resin of polyvinyl chloride type) known as color concentrates, and used to color 10 to 200 times their weight in finished products, such as lacquer, printing inks, plastics, and organic coatings, are classified under the provision for Color lakes and toners, obtained, derived, or manufactured in whole or in part from * * * any product provided for in Subpart A or B of this part (Benzenoid), in *item 406.70*, TSUS. T.D. 56551 (85) revoked. Bureau letter dated December 29, 1969. (411.3)

T.D. 70-27(4) *Benzenoid mixtures. Stripping agent.*—A chemical stripping agent which contains a chlorinated nonbenzenoid solvent and phenol among its ingredients and is used to strip conductors covered with enamels, is classifiable under the provision for Mixtures in whole or in part of any of the products provided for in this subpart (benzenoid), in *item 403.90*, TSUS. Bureau letter dated January 5, 1970. (417.0)

T.D. 70-27(5) *Electrical apparatus for making, breaking, or protecting electrical circuits. Solid state timers.*—Solid state all silicon transistorized timers for use in time control of various industrial machines, machine tools, and conveyance equipment, classifiable under the provision for Electrical switches * * * and other electrical apparatus for making or breaking electrical circuits, in *item 685.90*, TSUS. Bureau letter dated December 12, 1969. (426.845)

T.D. 70-27(6) *Figurines, rubber or plastics.*—Plaques and figurines made of a material composed of crushed malachite and silicate minerals embedded in polyethylene and polystyrene synthetic resins, classifiable under the provision for plaques and figurines of rubber or plastics, in *item 773.10*, TSUS, and not under the provision for other precious and semiprecious stones, and articles not specially provided for, of such stones: * * * Other, in *item 520.61*, TSUS. *Schedule 7, Part 12, Headnote 1(b)(i)* cited. Bureau letter dated December 12, 1969. (446.1)

T.D. 70-27(7) *Glass and glass products. Mirrors.*—“Flexible mirror” in sheet measuring 18 inches by 24 inches, containing 3 square feet, composed of 864 individual mirrors each of which measures 1 inch by $\frac{1}{2}$ inch by $\frac{1}{8}$ inch in thickness, glued or otherwise fastened to a textile cloth backing, each individual mirror touching other mirrors end to end and edge to edge with no adhesive between these ends and edges, is not one single mirror for the purpose of measuring the square feet in reflecting area. This merchandise is classifiable under the provisions for Mirrors, made of any of the glass described in *items 541.11 through 544.41* * * * without frames or cases * * *: Not over 1 sq. ft. in reflecting area in *item 544.51*, TSUS. Bureau letter dated January 9, 1970. (443.12)

T.D. 70-27(8) *Metal, wire, iron or steel fibers.*—Assemblages of extremely fine stainless steel fibers, having no perceptible twist, not wire, but a wire product precluded from classification as textile by *Schedule 3, Headnote 1 (iii)*, TSUS, classifiable under the provision for articles of iron or steel, not coated or plated with precious metal: * * * Other articles: * * * Others in *item 657.20*, TSUS. Bureau letter dated December 12, 1969. (423.343)

T.D. 70-27(9) Office machines. Microfilm reader-printer.—A combination microfilm viewer and copy printing device constituting a multifunction entity which incorporates in one integral unit the separate functions of two devices, both of which functions are significant, classifiable under the provision for Office machines not specially provided for, in *item 676.30*, TSUS. Bureau letter dated December 4, 1969. (434.43)

T.D. 70-27(10) Toys, nspf Walking barrel.—A small plastic barrel approximately 3 inches high and about 2 inches in diameter at the top, ostensibly used to serve drinks, and inside the barrel is a small plastic-hat shaped article covering a wind-up spring mechanism attached to two small flat plastic bases which serve as "feet," and as the spring mechanism unwinds, the "feet"-like bases move up and down thereby causing the barrel to move with a walking motion, classifiable under the provision for Toys * * * not specially provided for: Toys having a spring mechanism, in *item 737.80*, TSUS, and not under the provision for Articles not specially provided for of a type used for household, table, or kitchen use * * * of metal: * * * Articles, wares, and parts, of base metal, not coated or plated with precious metal: Of iron or steel: Not enameled or glazed with vitreous glasses: * * * Other, in *item 653.95*, TSUS. Bureau letter dated December 2, 1969. (492.123)

(T.D. 70-28)

Transportation of passengers between United States ports on foreign vessels—Customs Regulations amended

Section 4.80a, Customs Regulations, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Section 4.80a(a)(2), Customs Regulations, authorizes a district director of customs to extend from 24 to 48 hours the time a foreign vessel may stay in a coastwise port in his district without being deemed to have landed passengers taken on board at another coastwise port, if he is satisfied that the vessel is unable to depart sooner for reasons connected with the loading or unloading of cargo or the safety or

safe navigation of the vessel. Experience indicates that the Bureau can accept local determinations that a vessel is unable to depart for such reasons and that the period for which the district director of customs concerned may grant extensions should be increased to 96 hours. For that purpose, section 4.80a(a)(2) of the Customs Regulations is amended to read as follows:

(a) * * *

(2) The passenger goes ashore, even temporarily, at another coastwise port on a voyage to one or more coastwise ports but touching at a nearby foreign port or ports (but at no other foreign port) if during the course of the voyage the vessel remains in the coastwise port (not including the port of embarkation) for more than 24 hours, without regard to whether the passenger ultimately severs his connection with the vessel at the port at which he embarked. This period may be extended by the district director of customs concerned to 96 hours or by the Commissioner of Customs for a longer period if the district director or the Commissioner is satisfied that the vessel will be unable to depart within the permitted period for reasons connected with the loading or unloading of cargo or the safety or safe navigation of the vessel.

(80 Stat. 379, R.S. 251; 5 U.S.C. 301, 19 U.S.C. 66.)

Effective date: This amendment shall become effective on the date of its publication in the Federal Register.

(216.132)

EDWIN F. RAINS,

Acting Commissioner of Customs.

Approved January 12, 1970:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register January 22, 1970 (35 F.R. 881)]

(T.D. 70-29)

Presidential Proclamation—Sheet glass

Presidential Proclamation No. 3951 extending increased duties on imports of sheet glass

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 16, 1970.

There is published below Presidential Proclamation No. 3951 of December 24, 1969, which extends the increased rates of duty on sheet

glass provided for in items 923.31 through 923.77, Appendix to the Tariff Schedules of the United States.

The increased duties on these products apply to articles entered, or withdrawn from warehouse, for consumption during the period beginning on January 1, 1970, and ending at the close of March 31, 1970, unless the President proclaims otherwise.

(012)

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to Section 7 of the Trade Agreements Extension Act of 1951 and in accordance with Article XIX of the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A58; 8 U.S.T. (pt. 2) 1786), the President by Proclamation No. 3455 of March 19, 1962 (76 Stat. 1454), as modified by Proclamation No. 3458 of March 27, 1962 (76 Stat. 1457), proclaimed, effective after the close of business June 17, 1962, and until the President otherwise proclaimed, increased duties on imports of certain types of sheet glass;

2. WHEREAS, after compliance with the requirements of Section 102 of the Tariff Classification Act of 1962 (76 Stat. 73), the President by Proclamation No. 3548 of August 21, 1963 (77 Stat. 1017), proclaimed, effective on and after August 31, 1963, the Tariff Schedules of the United States, which reflected, with modifications, and, in effect, superseded, Proclamation No. 3455 by providing for the increased duties on imports of such types of sheet glass in items 923.11 through 923.99 and item 924.00 in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States;

3. WHEREAS, pursuant to Section 351(c)(1)(A) of the Trade Expansion Act of 1962 (19 U.S.C. 1981(c)(1)(A)) and in accordance with Article XIX of the General Agreement on Tariffs and Trade, the President by Proclamation No. 3762 of January 11, 1967 (81 Stat. 1076), terminated the increased duties on imports of sheet glass provided for in items 923.11 through 923.25, items 923.42 through 924.67, items 923.92 through 923.99, and item 924.00, and reduced the increased duties provided for in items 923.31 through 923.37, and items 923.71 through 923.77;

4. WHEREAS, pursuant to Section 351(c)(2) of the Trade Expansion Act of 1962 and in accordance with Article XIX of the General Agreement on Tariffs and Trade, the President by Proclamation No. 3816 of October 11, 1967 (81 Stat. 1139), extended the remaining increased rates of duty on imports of sheet glass provided for in items 923.31

through 923.77 in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States to the close of December 31, 1969;

5. WHEREAS, pursuant to Section 301(b)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1901(b)(1)), the Tariff Commission, on July 2, 1969, instituted an investigation, the report to the President on which is to be made not later than December 27, 1969, to determine whether glass of the kinds provided for in items 541.11 through 541.31, 542.11 through 542.98, 543.11 through 543.69, 544.31, and 544.32 of the Tariff Schedules of the United States are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive products;

6. WHEREAS, in relation to the possible further extension of such remaining increased duties, I have taken into account advice received from the Tariff Commission on December 1, 1969, and the advice of the Secretary of Commerce and the Secretary of Labor in accordance with Section 351(c)(2) of the Trade Expansion Act of 1962, recommendations of the Special Representative for Trade Negotiations in accordance with Sections 3(b), 3(j), and 5(c) of Executive Order No. 11075 of January 15, 1963 (48 CFR 1.3(b), 1.3(j), and 1.5(c)), and advice of other interested agencies of the Government; and

7. WHEREAS, pursuant to Section 351(c)(2) of the Trade Expansion Act of 1962, I have determined that the provisional further extension, as herein proclaimed, of the remaining increased duties on imports of sheet glass provided for in items 923.31 through 923.77 is in the national interest:

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including Section 351(c)(2) of the Trade Expansion Act of 1962, do proclaim that the remaining increased rates of duty on imports of sheet glass provided for in items 923.31 through 923.77 in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States are extended to articles entered, or withdrawn from warehouse, for consumption during the period beginning on January 1, 1970, and ending at the close of March 31, 1970, unless the President proclaims otherwise with respect to any such glass, pursuant to Section 351(c)(2) or (a)(1) of the Trade Expansion Act of 1962, following receipt by the President of the report of the Tariff Commission referred to in the fifth recital.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of December in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

RICHARD NIXON.

(T.D. 70-30)

Presidential Proclamation—Carpets and rugs

Presidential Proclamation No. 3953 providing for partial extension of increased duty on imports of carpets and rugs

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 16, 1970.

There is published below Presidential Proclamation No. 3953 of December 31, 1969, which provides for the partial extension of the increased rates of duty on floor coverings provided for in item 922.50, Appendix to the Tariff Schedules of the United States.

The increased duties on the floor coverings provided for apply to articles entered, or withdrawn from warehouse, for consumption during the period beginning on January 1, 1970, and ending at the close of December 31, 1972, unless the President proclaims otherwise.

(012)

ROBERT V. McINTYRE,
Acting Commissioner of Customs.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to Section 7 of the Trade Agreements Extension Act of 1951 and in accordance with Article XIX of the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A58; 8 U.S.T. (pt. 2) 1786), the President by Proclamation No. 3454 of March 19, 1962 (76 Stat. 1452), as modified by Proclamation No. 3458 of March 27, 1962 (76 Stat. 1457), proclaimed, effective after the close of business June 17, 1962, and until the President otherwise proclaimed, an increased duty on imports of certain carpets and rugs and other floor coverings;

2. WHEREAS, after compliance with the requirements of Section 102 of the Tariff Classification Act of 1962 (76 Stat. 73), the President by Proclamation No. 3548 of August 21, 1963 (77 Stat. 1017), proclaimed, effective on and after August 31, 1963, the Tariff Schedules of the United States, which reflected, with modifications, and, in effect, superseded, Proclamation No. 3454 by providing for the increased duty on imports of such floor coverings in item 922.50 in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States;

3. WHEREAS, pursuant to Section 351(c) (2) of the Trade Expansion Act of 1962 and in accordance with Article XIX of the General

Agreement on Tariffs and Trade, the President, by Proclamation No. 3815 of October 11, 1967 (81 Stat. 1138), extended the increased rates of duty on imports of floor coverings provided for in item 922.50 in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States to the close of December 31, 1969;

4. WHEREAS the increased duty on imports of floor coverings provided for in item 922.50 will terminate at the close of December 31, 1969, in accordance with Section 351(c)(1)(B) of the Trade Expansion Act of 1962, unless extended under Section 351(c)(2) of that Act;

5. WHEREAS, in relation to the possible extension of such increased duty, I have received and taken into account the advice from the Tariff Commission and the advice of the Secretary of Commerce and Secretary of Labor in accordance with Section 351(c)(2) of the Trade Expansion Act of 1962, recommendations of the Special Representative for Trade Negotiations in accordance with Sections 3(b), 3(j), and 5(c) of Executive Order No. 11075 of January 15, 1963 (48 CFR 1.3(b), 1.3(j), and 1.5(c)), and advice of other interested agencies of the Government; and

6. WHEREAS, pursuant to Section 351(c)(2) of the Trade Expansion Act of 1962 and in accordance with Article XIX of the General Agreement on Tariffs and Trade, I have determined that the partial extension, as herein proclaimed, of the increased duty on imports of floor coverings provided for in item 922.50 is necessary to prevent serious injury and is in the national interest.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including Section 351(c)(2) of the Trade Expansion Act of 1962, and in accordance with Article XIX of the General Agreement on Tariffs and Trade, do proclaim that the increased rate of duty on imports of floor coverings provided for in item 922.50 in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States is extended in part, as amended below, with respect to articles entered, or withdrawn from warehouse, for consumption during the period beginning on January 1, 1970, and ending at the close of December 31, 1972, unless the President proclaims otherwise pursuant to Section 351(c)(1) or (2) of the Trade Expansion Act of 1962. The article description in item 922.50 shall read:

"Wilton (including brussels) and velvet (including tapestry) floor coverings, and floor coverings of like character or description, provided for in item 360.46 of Part 5A of Schedule 3 all the foregoing other than imitation oriental floor coverings."

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of December in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

RICHARD NIXON.

(T.D. 70-31)

Importation of electronic products—Customs Regulations amended

Part 12, amended to prescribe regulations for the entry of electronic products under the Radiation Control for Health and Safety Act of 1968

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 12—SPECIAL CLASSES OF MERCHANDISE

The Department of Health, Education, and Welfare has promulgated regulations under the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263b *et seq.*) in 42 CFR Part 78. These regulations are applicable to electronic products subject to performance standards prescribed by the Secretary of Health, Education, and Welfare pursuant to section 358 of the Act (42 U.S.C. 263f) to control the emission of radiation from such products. The regulations in accordance with section 360 of the Act (42 U.S.C. 263h) provide for the application of these standards to electronic products offered for importation into the United States.

The following regulations prescribe customs procedures governing the admission or refusal of electronic products subject to standards promulgated by the Secretary of Health, Education, and Welfare under the Radiation Control for Health and Safety Act of 1968 and the regulations prescribed thereunder in 42 CFR, Part 78.

Part 12 is amended to add a new centerhead and sections as follows:

ELECTRONIC PRODUCTS

Section 12.90 Definitions.—As used in sections 12.90 and 12.91—the term “the Act” shall mean the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263b *et seq.*), as amended from time to time.

Section 12.91 Electronic products offered for importation under the Act.—(a) *Standards prescribed by the Department of Health, Education, and Welfare.*—Electronic products offered for importation into the customs territory of the United States are subject to standards prescribed under section 358 of the Act (42 U.S.C. 263f). See 42 CFR, Part 78.

(b) *Requirements for entry and release.*—Electronic products subject to standards in effect under section 358 of the Act (42

U.S.C 263f) when offered for importation into the customs territory of the United States shall be refused entry unless there is filed with the entry, in duplicate, a declaration verified by the importer or consignee which identifies the product and affirms:

(1) That the electronic products comply with all standards in effect under section 358 of the Act (42 U.S.C. 263f) and that the certification required by section 360 of the Act (42 U.S.C. 263h) in the form of a label or tag are attached thereto; or

(2) That the certification required by section 360 of the Act is not affixed to the electronic product but that a timely and adequate petition for permission to bring the product into compliance with applicable standards has been or will be filed with the Secretary of Health, Education, and Welfare in accordance with 42 CFR 78.607. The duplicate copy of the declaration filed under this paragraph shall be forwarded by the district director of customs directly to the Secretary of Health, Education, and Welfare or his designee.

(c) *Notice of sampling.*—When a sample of a product offered for importation has been requested by the Secretary of Health, Education, and Welfare as provided for in 42 CFR 78.604, the district director of customs having jurisdiction over the shipment from which the sample is procured shall give to its owner or consignee prompt notice of delivery of, or intention to deliver, such sample. If the notice so requires, the owner or consignee shall hold the shipment of which the sample is typical and not release such shipment until notice of the results of the tests of the sample from the Secretary of Health, Education, and Welfare stating the product fulfills the requirements of the Act.

(d) *Release under bond.*—If a declaration filed in accordance with paragraph (b) of this section states that the entry is being made under circumstances described in subparagraph (2) of said paragraph (b), the entry shall be accepted only if the importer or consignee gives a bond on customs Form 7551, 7553, or 7595 for the production of a notification from the Secretary of Health, Education, and Welfare or his designee, in accordance with 42 CFR 78.604, that the electronic product described in the declaration filed by the importer or consignee is in compliance with the applicable standards. The bond shall be in the amount required under section 25.4(a) of this chapter. Within 90 days after such entry, or such additional period as the district director of customs may allow for good cause shown, the importer or consignee shall take any action necessary to insure delivery to the district director of the notification described in this paragraph. If the notification described in this paragraph is not delivered to the district director of customs for the port of entry of such electronic products within 90 days of the date of entry or such additional period as may be allowed by the district director, for good cause shown, the importer or consignee shall deliver or cause to be delivered to the district director of customs those electronic products which were released in accordance with this paragraph. In the

event that any such electronic products are not redelivered within 5 days following the date specified in the preceding sentence, liquidated damages shall be assessed in the full amount of a bond given on Form 7551. When the transaction has been charged against a bond given on Form 7553 or 7595, liquidated damages shall be assessed in the amount that would have been demanded under the preceding sentence if the merchandise had been released under a bond given on Form 7551.

(e) *Merchandise refused entry.*—If electronic products are denied entry under any provision of this section, the district director of customs shall refuse to release the merchandise for entry into the United States.

(f) *Disposition of merchandise refused entry into the United States; redelivered merchandise.*—Electronic products which are denied entry under paragraph (b) of this section or which are redelivered in accordance with paragraph (d) of this section and which are not exported under customs supervision within 90 days from the date of notice of refusal of admission or date of redelivery shall be disposed of under customs laws and regulations; *Provided*, however, that any such disposition shall not result in an introduction into the United States of an electronic product in violation of the Act. (Sec. 358, 82 Stat. 1177, sec. 360, 82 Stat. 1181; 42 U.S.C. 263f, 263h).

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624).

The regulations set forth herein will conform customs procedures to regulations issued by the Secretary of Health, Education, and Welfare for the administration and enforcement of the Radiation Control for Health and Safety Act of 1968 in 42 CFR, Part 78, subpart G, which will be effective upon publication in the Federal Register. It is found therefore that notice and public procedure under 5 U.S.C. 553 in the promulgation of these regulations is impracticable and good cause is found for making them effective upon the date of publication in the Federal Register.

(639)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved January 12, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register January 22, 1970 (35 F.R. 881)]

(T.D. 70-32)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textiles and cotton textile products manufactured or produced in the Republic of Korea

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 19, 1970.

There are published below letters of December 2, 3, and 17, 1969, received by the Commissioner of Customs from the Interagency Textile Administrative Committee, amending levels of restraint for certain categories of cotton textiles and cotton textile products, manufactured or produced in Korea, contained in the President's Cabinet Textile Advisory Committee directive of December 27, 1968 (T.D. 69-34).

These letters were published in the Federal Registers on December 5, 1969 (34 F.R. 19312), December 6, 1969 (34 F.R. 19394), and December 24, 1969 (34 F.R. 20232), respectively.

(343.3)

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230
INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

December 17, 1969.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

On December 27, 1968, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Republic of Korea, and exported to the United States on or after January 1, 1969, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments¹ in the levels of restraint you would

¹ The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements.

be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph fifteen (15) of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 27, 1968, the level of restraint provided in that directive for cotton textile products in Category 26 (duck only), produced or manufactured in the Republic of Korea and exported from the Republic of Korea to the United States for the period beginning January 1, 1969, and extending through December 31, 1969, is hereby amended as follows, to be effective as soon as possible:

<i>Category</i>	<i>Amended Twelve-Month Level of Restraint²</i>
26 (duck only) ³	13,870,517 square yards

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

STANLEY NEHMER,
*Chairman, Interagency Textile
Administrative Committee, and
Deputy Assistant Secretary
for Resources*

² This level has not been adjusted to reflect entries made on or after January 1, 1969.

³ Only T.S.U.S.A. Nos.:

320.—01 through 04, 06, 08
321.—01 through 04, 06, 08
322.—01 through 04, 06, 08

326.—01 through 04, 06, 08
327.—01 through 04, 06, 08
328.—01 through 04, 06, 08

(T.D. 70-33)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 21, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

January 12, 1970	-----	\$0. 284175
January 13, 1970	-----	. 284933
January 14, 1970	-----	. 285033
January 15, 1970	-----	. 285033
January 16, 1970	-----	. 285033

Denmark krone:

January 12, 1970	-----	\$0. 133406
January 13, 1970	-----	. 133400
January 14, 1970	-----	. 133412
January 15, 1970	-----	. 133400
January 16, 1970	-----	. 133387

Hong Kong dollar:

Official rate of \$0.163750 for the period
December 29 through December 31,
1969, and January 2, 1970, and the
following Free * rates:

December 29, 1969	-----	\$0. 164473 *
December 30, 1969	-----	. 164473 *
December 31, 1969	-----	. 164609 *
January 2, 1970	-----	. 164676 *

Iran rial:

For the period from January 5 through January 9, 1970, rate
of \$0.0132443.

Philippine peso:

For the period from January 5 through January 9, 1970, rate
of \$0.255000.

*Certified as nominal rates.

Thailand baht (tical) :

For the period from January 5 through January 9, 1970, rate of \$0.0478125 *.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rate.

(T.D. 70-34)

Preclearance operations—Customs Regulations amended

Part 24 amended to add new section 24.18 prescribing regulations for reimbursement of excess cost of preclearance operations

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

In a notice published in the Federal Register, of August 8, 1969 (34 F.R. 12891), it was proposed that under the authority of Section 501 of the Independent Offices Appropriation Act of 1952, 63 Stat. 290 (31 U.S.C. 483a), Part 24 of Customs Regulations (19 CFR, Part 24), would be amended to prescribe a charge to airlines for the excess cost of providing preclearance in a foreign country. The notice set forth the manner in which this cost would be determined and the procedure for recovering such cost. After careful consideration of all relevant data, views, and arguments submitted regarding the proposed rule making, the proposal is adopted as published with the following minor changes:

1. the billing method and period are stated more specifically;
2. the excess cost per installation will be computed on a bi-weekly basis. This figure will be used as the basis for prorating the charge for preclearance service to the various airlines and will replace the per officer cost per installation. This will not change the excess cost figure or the method of proration but will eliminate an unnecessary step in obtaining this figure.

Accordingly, Part 24 is amended by adding a new section 24.18 reading as follows:

24.18 Preclearance of air travelers in a foreign country; reimbursable cost.—(a) Preclearance is the tentative examination and inspection of air travelers and their baggage at foreign places where United States Customs personnel are stationed for that purpose.

(b) At the request of an airline, travelers on a direct flight to the United States from a foreign place described in paragraph (a) of this section may be precleared prior to departure from such place. A charge based on the excess cost to Customs of providing preclearance services as defined in paragraph (c) of this section shall be made to the airline.

(c) The reimbursable excess cost is the difference between (1) the cost of examining and inspecting air travelers and their baggage upon arrival in the United States assuming no preclearance was provided, and (2) the cost of providing preclearance for air travelers at the place of departure. Such excess cost shall include all items attributable to the preclearance operation. This does not include the salary of personnel regularly assigned to a preclearance station other than approved salary differentials related to the foreign assignment and the salary of relief details made necessary by reason of the nature of the operation. In addition, such cost shall include the following allowances and expenses:

1. Housing allowances;
2. Post of duty allowances;
3. Education allowances;
4. Transportation costs incident to the assignment to the foreign station and return, including transportation of family and household effects;
5. Home leave and associated transportation costs; and
6. Equipment, supplies and administrative costs including costs of supervising the preclearance installation.

(d) The reimbursable excess cost described in paragraph (c) of this section shall be determined for each preclearance installation. On the basis of the excess cost figure for each installation, the excess cost of providing preclearance service for a bi-weekly pay period shall be determined. The initial schedule of bi-weekly excess cost will be based on the actual excess cost for fiscal year 1969. Thereafter, a quarterly (ending with the pay period closely corresponding to June 30, September 30, December 31, and March 31) cost analysis will be conducted and the schedule of bi-weekly excess costs will be adjusted so that the current bi-weekly excess cost schedule will reflect the actual excess costs of the previous quarter. Such schedules of bi-weekly costs for each installation shall be published in the *FEDERAL REGISTER*. The bi-weekly excess cost in effect at an installation at the time the charge is made shall be used in calculating the prorated charge for preclearance service for each airline in accordance with paragraph (e) of this section.

(e) The charge to each airline for preclearance service shall be its prorated share of the applicable excess cost prorated to the aircraft receiving such services during the billing period on the following basis:

1. Five percent shall be distributed equally among the airlines serviced.

2. Ten percent shall be distributed proportionately as the number of clearances serviced bears to the total number of clearances.

3. Eighty-five percent shall be distributed proportionately as the number of passengers and/or crew serviced for each airline bears to the total number of passengers and/or crew serviced.

(f) Customs services for which overtime compensation is provided for by Section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 267), and the expenses recovered thereunder are governed by section 24.15 of this Chapter and are in no way affected by this section. (63 Stat. 290; 31 U.S.C. 483a)

(80 Stat. 379; 5 U.S.C. 301)

This initial schedule of bi-weekly excess cost for each installation described in section 24.18(d), is set forth below:

This schedule will remain in effect until publication in the Federal Register of a quarterly schedule pursuant to section 24.18(d).

INITIAL SCHEDULE OF BI-WEEKLY REIMBURSABLE EXCESS COSTS FOR EACH PRECLEARANCE INSTALLATION

<i>Installation</i>	<i>Excess cost of Preclearance Fiscal Year 1969</i>	<i>Bi-weekly Excess cost</i>
Montreal, Canada.....	\$69, 774	\$2, 684
Toronto, Canada.....	105, 964	4, 075
Kindley Field, Bermuda.....	27, 989	1, 077
Nassau, Bahama Islands.....	84, 287	3, 242
Vancouver, Canada.....	33, 764	1, 299
Winnipeg, Canada.....	6, 723	259

Effective Date. This amendment shall become effective on the first day of the first pay period beginning 30 days after publication of this amendment in the Federal Register.

(FIS-4-MAD; AIR-7-MAD)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved January 20, 1970:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register January 29, 1970 (35 F.R. 1161)]

(T.D. 70-35)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textiles in category 26 (other than duck), manufactured or produced in Brazil

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 23, 1970.

There is published below the directive of December 24, 1969, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the United States of cotton textiles in Category 26 (other than duck), manufactured or produced in Brazil.

This directive was published in the Federal Register on January 6, 1970 (35 F.R. 196), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE

WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

December 24, 1969.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning October 31, 1969 and extending through October 30, 1970, entry into the United States

for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 26 (other than duck),¹ produced or manufactured in Brazil in excess of a level of restraint for the period of 2,300,000 square yards.²

In carrying out this directive, entries of cotton textile products in Category 26 (other than duck), produced or manufactured in Brazil which have been exported to the United States from Brazil prior to October 31, 1969, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 26 (other than duck), in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

K. N. DAVIS,
Acting Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

¹ The T.S.U.S.A. Nos. for duck fabric not covered by this directive are:

320.—01 through 04, 06, 08	326.—01 through 04, 06, 08
321.—01 through 04, 06, 08	327.—01 through 04, 06, 08
322.—01 through 04, 06, 08	328.—01 through 04, 06, 08

² This level has not been adjusted to reflect any entries made on or after October 31, 1969.

(T.D. 70-36)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textiles and cotton textile products manufactured or produced in India

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 23, 1970.

There is published below the directive of December 29, 1969, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the United States of cotton textiles and cotton textile products in categories 18, 19, and 31, manufactured or produced in India.

This directive was published in the Federal Register on January 6, 1970 (35 F.R. 197), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

December 29, 1969.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

On August 8, 1969, the Chairman of the President's Cabinet Textile Advisory Committee directed you, effective as soon as possible, and until further notice, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 18 and 19, produced or manufactured in India and exported to the United States from India during the period beginning July 1, 1969 and extending through September 30, 1969. On September 4, 1969, the Chairman of the President's Cabinet Textile Advisory Committee directed you effective as soon as possible, and until further notice, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Category

31, produced or manufactured in India and exported to the United States from India during the period beginning October 1, 1968 and extending through September 30, 1969.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of August 31, 1967 between the Governments of the United States and India, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, the above mentioned directives of August 8, 1969 and September 4, 1969 are hereby terminated, to be effective as soon as possible.

To facilitate the administration of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and the bilateral cotton textile agreement of August 31, 1967 between the governments of the United States and India, it would be appreciated if you would undertake, commencing as soon as possible and continuing until advised otherwise by letter from the Chairman of the Interagency Textile Administrative Committee, to obtain reports on cotton textiles in Categories 18 and 19, produced or manufactured in India and exported to the United States from India during the period beginning July 1, 1969 and extending through September 30, 1969, and on cotton textile products in Category 31, produced or manufactured in India and exported to the United States from India during the period beginning October 1, 1968 and extending through September 30, 1969. These reports should show quantities by entry number and ports of entry and should be submitted weekly. Your cooperation in this matter will be appreciated.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of India and with respect to imports of cotton textiles and cotton textile products from India have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553

(Supp. IV 1965-68). This letter will be published in the Federal Register.

Sincerely,

HAROLD C. PASSER,
*Acting Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee*

(T.D. 70-37)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textile products in category 49, manufactured or produced in Romania

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 27, 1970.

There is published below the directive of December 31, 1969, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the United States of cotton textile products in category 49, manufactured or produced in Romania.

This directive was published in the Federal Register on January 9, 1970 (35 F.R. 370), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

December 31, 1969.

COMMISSIONER OF CUSTOMS
*Department of the Treasury
Washington, D.C. 20226*

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, and

in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 9, 1970, and for the twelve-month period extending through January 8, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 49, produced or manufactured in Romania, in excess of a level of restraint for the period of 11,025 dozen.

In carrying out this directive, entries of cotton textile products in Category 49, produced or manufactured in Romania, which have been exported to the United States from Romania prior to January 9, 1970, shall, to the extent of any unfilled balance be charged against the level of restraint established for such goods during the period January 9, 1969 through January 8, 1970. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 49 in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582) and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

ROCCO C. SICILIANO,
*Acting Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee*

(T.D. 70-38)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textile products in category 63, manufactured or produced in the Socialist Republic of Romania

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 27, 1970.

There is published below the directive of December 23, 1969, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the United States of cotton textile products in category 63, manufactured or produced in the Socialist Republic of Romania.

This directive was published in the Federal Register on January 6, 1970 (35 F.R. 198), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

December 23, 1969.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning October 31, 1969, and extending through October 30, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 63, produced or manufactured in the Socialist Republic of Romania, in excess of a level of restraint for the period of 200,000 pounds.¹

¹ This level has not been adjusted to reflect any entries made on or after October 31, 1969.

In carrying out this directive, entries of cotton textile products in Category 63, produced or manufactured in the Socialist Republic of Romania and which have been exported to the United States from the Socialist Republic of Romania prior to October 31, 1969, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448 (b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 63, in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from the Socialist Republic of Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

K. N. DAVIS,
Acting Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-39)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textiles and cotton textile products in various categories manufactured or produced in Malaysia

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 27, 1970.

There are published below the directives of December 23, and 24, 1969, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on

entry into the United States of cotton textiles and cotton textile products in various categories manufactured or produced in Malaysia.

The directives were published in the Federal Register on January 6, 1970 (35 F.R. 197 and 35 F.R. 198), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

December 23, 1969.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning October 22, 1969, and extending through October 21, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 46 produced or manufactured in Malaysia, in excess of a level of restraint for the period of 18,900 dozen.¹

In carrying out this directive, entries of cotton textile products in Category 46 produced or manufactured in Malaysia and which have been exported to the United States from Malaysia prior to October 22, 1969, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

¹ This level has not been adjusted to reflect any entries made on or after October 22, 1969.

A detailed description of Category 46 in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

K. N. DAVIS,
*Acting Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee*

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

December 24, 1969.

COMMISSIONER OF CUSTOMS
*Department of the Treasury
Washington, D.C. 20226*

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective December 27, 1969, and for the twelve-month period extending through December 26, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton

textile products in Categories 19, 26 (duck only¹), and 60, produced or manufactured in Malaysia, in excess of the following designated levels of restraint:

<i>Category</i>	<i>Twelve-Month Level of Restraint</i>
19	2,604,656 square yards
26 (duck only ¹)	1,736,438 square yards
60	27,089 dozen

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 19, 26 (duck only¹), and 60, produced or manufactured in Malaysia, which have been exported to the United States from Malaysia prior to December 27, 1969, shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period December 27, 1968 through December 26, 1969. In the event that the above levels of restraint have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

K. N. DAVIS,
*Acting Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee*

¹ T.S.U.S.A. Nos.:

320.—01 through 04, 06, 08	326.—01 through 04, 06, 08
321.—01 through 04, 06, 08	327.—01 through 04, 06, 08
322.—01 through 04, 06, 08	328.—01 through 04, 06, 08

(T.D. 70-40)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 28, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from January 19 through January 23, 1970,
rate of \$0.285066.

Denmark krone:

January 19, 1970-----	\$0. 133320
January 20, 1970-----	. 133354
January 21, 1970-----	. 133400
January 22, 1970-----	. 133368
January 23, 1970-----	. 133341

Hong Kong dollar:

Official rate of \$0.163750 for the period January 5 through
through January 9, 1970, and the following Free* rates:

January 5, 1970-----	\$0. 164880*
January 6, 1970-----	. 164812*
January 7, 1970-----	. 164744*
January 8, 1970-----	. 164812*
January 9, 1970-----	. 164744*

Iran rial:

For the period January 12 through January 16, 1970, rate of
\$0.0132443.

Philippine peso:

For the period from January 12 through January 16, 1970,
rate of \$0.255000.

Thailand baht (tical):

For the period from January 12 through January 16, 1970,
rate of \$0.0478125.*

*Certified as nominal rates

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

(T.D. 70-41)

Cotton textiles—Restriction on entry

Restriction on entry of certain cotton textiles manufactured or produced in Pakistan

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 30, 1970.

There is published below the letter of January 14, 1970, received by the Commissioner of Customs from the Interagency Textile Administrative Committee amending the levels of restraint for certain categories of cotton textiles manufactured or produced in Pakistan, contained in the President's Cabinet Textile Advisory Committee directive of June 30, 1969 (T.D. 69-175).

This letter was published in the Federal Register on January 20, 1970 (35 F.R. 785).

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

January 14, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

This directive supplements and amends but does not cancel the directive issued to you on June 30, 1969, regarding imports of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Pakistan, and exported to the United States on or after July 1, 1969. You were advised in the directive of June 30, 1969, from the Chairman of the President's Cabinet Textile

Advisory Committee, that in the event there were any adjustments¹ in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of July 3, 1967, between the Governments of the United States and Pakistan, in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of June 30, 1969, the levels of restraint for cotton textiles in the following categories, produced or manufactured in Pakistan and exported to the United States during the period beginning July 1, 1969 and extending through June 30, 1970, are hereby amended as follows:

<i>Categories</i>	<i>Amended Twelve-Month Level of Restraint</i>
18/19 and parts of 26 (print cloth) ²	13, 231, 313
Part of 26 (bark cloth) ³	4, 630, 954

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

STANLEY NEHMER,
*Chairman, Interagency Textile
Administrative Committee, and
Deputy Assistant Secretary
for Resources*

¹ The term "adjustments" refers to those provisions of the bilateral cotton textile agreements of July 3, 1967, between the Governments of the United States and Pakistan which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements.

² In Category 26, only T.S.U.S.A. Nos.:

320...34 322...34 327...34
321...34 326...34 328...34

³ Only T.S.U.S.A. Nos.:

320...88 325...88 330...88 323...02 328...02
321...88 326...88 331...88 324...02 329...02
322...88 327...88 320...02 325...02 330...02
323...88 328...88 321...02 326...02 331...02
324...88 329...88 322...02 327...02

(T.D. 70-42)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textile products in categories 52 and 61, manufactured or produced in Trinidad and Tobago

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 30, 1970.

There are published below directives of December 23, 1969, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the United States of cotton textile products in categories 52 and 61, manufactured or produced in Trinidad and Tobago.

These directives were published in the Federal Register on January 6, 1970 (35 F.R. 199 and 35 F.R. 200), respectively, by the Inter-agency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

December 23, 1969.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective December 24, 1969, and for the twelve-month period extending through December 23, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 52 produced or manufactured in Trinidad and Tobago, in excess of a level of restraint for the period of 21,000 dozen.

In carrying out this directive, entries of cotton textile products in Category 52, produced or manufactured in Trinidad and Tobago, which have been exported to the United States from Trinidad and Tobago prior to December 24, 1969, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period December 24, 1968 through December 23, 1969. In the event that the above level of restraint has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 52 in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Trinidad and Tobago and with respect to imports of cotton textiles and cotton textile products from Trinidad and Tobago have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

K. N. DAVIS,
*Acting Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee*

THE SECRETARY OF COMMERCE

WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

December 23, 1969.

COMMISSIONER OF CUSTOMS
*Department of the Treasury
Washington, D.C. 20226*

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052

of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective December 29, 1969, and for the twelve-month period extending through December 28, 1970 entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 61 produced or manufactured in Trinidad and Tobago, in excess of a level of restraint for the period of 64,358 dozen.

In carrying out this directive, entries of cotton textile products in Category 61, produced or manufactured in Trinidad and Tobago, which have been exported to the United States from Trinidad and Tobago prior to December 29, 1969, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period December 29, 1968, through December 28, 1969. In the event that the above level of restraint has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 61 in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Trinidad and Tobago and with respect to imports of cotton textiles and cotton textile products from Trinidad and Tobago have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

K. N. DAVIS,
Acting Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-43)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., February 2, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.
(133.121)

ROBERT V. MCINTYRE,
Assistant Commissioner.
Office of Regulations and Rulings.

AIRCRAFT AND VESSEL SUPPLIES AND EQUIPMENT

T.D. 70-43(1) *Bridges for enplaning and deplaning aircraft passengers.*—Aircraft passenger loading bridges approximately seven feet high and seven feet wide, to be hinged onto one or more sides of an airport terminal building, will be entirely enclosed with walls, floors, optional windows, overhead lights and baseboard heaters with power supplied from the terminal. Each bridge is a single section type with a control cab at the aircraft end from which an operator will move the end of the bridge to a suitable vertical and lateral position for loading the aircraft.

Loading bridges of this kind (and spare parts therefor) the property of a foreign air carrier for use only by its passengers while they are actually moving in either direction between a departure lounge or other room of the terminal building and an aircraft qualified under section 1309(a) (3) and (d), title 19, United States Code, may be withdrawn as ground equipment duty free under that statute. Bureau letter dated January 14, 1970. (235)

IN BOND MERCHANDISE

T.D. 70-43(2) *Duty rate on merchandise moved in bond.*—Duty rate at commencement of in-bond movement, applicable when consumption entry filed at destination section 8.4(d), C.R., and 19 U.S.C. 1315(a) (2). Duty rate at time of withdrawal applicable when warehouse entry filed at destination. No objection to filing warehouse entry and immediate dock withdrawal where appropriate. If immediate dock withdrawal not filed, merchandise must be moved into warehouse. Bureau telegram dated December 31, 1969. (326.2)

TARIFF CLASSIFICATION

T.D. 70-43(3) *Articles of iron or steel, nspf. Articles of copper, nspf. Jet eductors, tank mixing eductors, steam jet syphons, and Simplex pipeline heaters.*—Jet eductors, tank mixing eductors, steam jet syphons and Simplex pipeline heaters, of iron, bronze or stainless steel, classifiable under the provision for articles of iron or steel, not coated or plated with precious metal, and not specially provided for, or articles of copper, not coated or plated with precious metal, and not specially provided for, in items 657.09, 657.10, 657.20 or 657.35, TSUS, according to the component material of chief value. Bureau letter dated January 14, 1970. (434.6)

T.D. 70-43(4) *Brushes.*—Liquid mascara fitment used in the cosmetic field as a mascara brush and measuring approximately 2 inches in length including a spiral brush approximately $\frac{3}{4}$ inch long classifiable under the provision for Other * * * Toilet brushes, except tooth brushes: Valued not over 40 cents each in item 750.45 or 750.47, TSUS, if valued over 40 cents each. Bureau letter dated January 8, 1970. (493.31)

T.D. 70-43(5) *Electrical apparatus for making or breaking electrical circuits. Sequencing control for dishwashers.*—An electrical sequencing control consisting of a series of switches which open and close to operate components of a dishwasher is classifiable under the provision for electrical apparatus for making or breaking electrical circuits, in item 685.90, TSUS. Bureau letter dated January 8, 1970. (431.3)

T.D. 70-43(6) *Electrical article, nspf. Electronic rat exterminating machine.*—An electrical apparatus that emits high power ultrasonic waves used to exterminate rats is classifiable under the provision for Electrical articles * * * not specially provided for, in item 688.40, TSUS. Bureau letter dated January 14, 1970. (434)

T.D. 70-43(7) *Flavoring extracts. Oleoresin capsicum.*—Oleoresin capsicum is classifiable under the provision for Flavoring extracts, and fruit flavors, essences, esters, and oils, all the foregoing whether or not containing ethyl alcohol: Not containing alcohol: * * * Other, in item 450.20, TSUS. Bureau letter dated January 15, 1970. (417.0)

T.D. 70-43(8) *Footwear. Sneakers and basketball shoes. Wire mesh midsoles.*—Sneakers and basketball shoes with cotton canvas uppers, rubber outer soles and a midsole composed of four to five readily identifiable layers of wire mesh, the weight of the wire mesh constituting over 50 percent of the weight of the entire shoe, are classifi-

able in item 700.70, TSUS, rather than in item 700.60, TSUS. Bureau letter dated December 1, 1969. (455.44)

T.D. 70-43(9) *Furniture, nspf. Chair inflatable.*—Inflatable plastic chair classifiable under the provision for Furniture * * * not specially provided for: * * * Of rubber or plastics: * * * Other, in item 727.48, TSUS. Bureau letter dated January 7, 1970 (465.234)

T.D. 70-43(10) *Iron or steel articles, nspf. Furniture designed for motor-vehicle use. Furniture, nspf. Kiddy carriers.*—Padded seats (kiddy carriers) fitted with back rests, metal guard bars, and retractable foot rests together with seat supports and brackets by which the assembly is fastened to the rear of bicycles or motor cycles, in chief value of iron or steel, classifiable under the provisions for Articles of iron or steel, not coated or plated with precious metal: * * * Other articles: * * * Other, in item 657.20, TSUS; and not under the provision for Furniture designed for motor-vehicle use, in item 727.06, TSUS; nor under the provision for Furniture * * * not specially provided for: * * * Other in item 727.55, TSUS, for the reason that such seats lack special features fitting them for installation in motor vehicles, and because such devices do not correspond to the term Furniture as defined in *Headnote 1, Schedule 7, Part 4A*. Bureau letter dated January 29, 1969. (426.89)

T.D. 70-43(11) *Lumber, drilled or treated.*—Roof decking of cedar, 2½ inches by 5½ by 5¾ inches, double tongue and grooved, drilled for nails, and with knotholes and voids filled with a putty-like catalysed epoxy compound, classifiable under the provisions for Lumber * * * drilled or treated * * *: * * * Other, in item 202.54, TSUS. Item 202.52, TSUS, is specifically limited by its provisions to "drilled, or pressure treated with creosote or other wood preservative, or both, but not otherwise treated," and does not cover fillers such as an epoxy compound. Bureau letter dated January 9, 1970. (481.21)

T.D. 70-43(12) *Nonmetallic minerals and products. Stone and stone products.*—Fine sand-like quartzose material (silica Flint) containing by weight 95 percent or more of silica and not more than 0.6 percent of oxide of iron classifiable under the provision for Sand, crude or manufacturer * * *: Sand containing by weight 95 percent or more of silica and not more than 0.6 percent of oxide of iron, in item 513.11, TSUS, and not under the provision for Silica, not specially provided for, in item 523.11, TSUS, because the provisions of item 513.11 most specifically describe the product. *General Interpretative Rule 10(c)*, TSUS, noted. Bureau letter dated January 13, 1970. (445.4)

T.D. 70-43(13) *Valves, of iron, bronze, or stainless steel. Continuous heaters.*—Continuous heaters, of iron, bronze or stainless steel, are classifiable under the provision for Hand operated valves and similar devices, used to control the flow of liquids, gases, or solids, in *item 680.20 or 680.22*, TSUS, according to the component material of chief value. Bureau letter dated January 14, 1970. (434.6)

T.D. 70-43(14) *Vending machines. News racks.*—Coin-operated news racks are classifiable under the provision for Automatic vending machines, and parts thereof, in *item 678.40*, TSUS. Bureau letter dated January 13, 1970. (434)

T.D. 70-43(15) *Wearing apparel, of textile materials. Dress.*—Women's sleeveless, A-line jumper dress with a round neck and back zipper closure, made of loose-woven plaid fabric assumed to be a man-made material, bonded to a tricot cloth lining, with the neck, shoulders, and armholes lined with an additional woven fabric, and eight metal buttons sewn to the front simulating a double-breasted effect, classifiable under the provision for Other women's, girls' * * * wearing apparel, not ornamented: * * * Of man-made fibers: * * * Not knit, in *item 382.81*, TSUS. Bureau letter dated January 9, 1970. (473.4)

T.D. 70-43(16) *Woven fabrics, of man-made fibers. Fabric woven with plastic strips.*—A fabric woven with polypropylene strips over 0.06-inch but not over 1 inch in width and not over 0.01 inch in thickness, classifiable under the provision for Woven fabrics, of man-made fibers: * * * Other * * * Other, in *item 338.30*, TSUS, *Schedule 3, Part 1, Subpart E, Headnotes 2(a) and 3(d)*, defining "man-made fibers" and "strips," noted. Bureau letter dated January 16, 1970. (418.44)

(T.D. 70-44)

Appraisement—American selling price basis

Certain sneakers or basketball type footwear

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., January 29, 1970.

On August 29, 1969, there was published in the Federal Register (34 F.R. 13879), proposed criteria in determining the applicability of American selling price to certain sneaker or basketball-type shoes incorporating midsoles composed of a mixture of rubber and iron powder. The shoes are classifiable under item 700.60, Tariff Schedules of the United States.

After consultation with affected individuals and organizations and full consideration of all relevant data, views, and arguments presented, the action proposed by the notice is hereby adopted. Customs officers are being instructed to proceed with appraisement of this footwear on the basis of the following guidelines:

Pursuant to Schedule 7, Part 1A, Headnote 3(b), Tariff Schedules of the United States, footwear classifiable under item 700.60 is subject to duty on the basis of the American selling price of like or similar footwear manufactured or produced in the United States. In comparing imported footwear with domestic footwear for such purposes customs officers shall be guided by the overall effect of all relevant factors. Characteristics such as construction, quality, durability, appearance, weight, etc., shall be considered in the aggregate and no single characteristic, to the exclusion of others, shall be deemed to be necessarily controlling. In the case of the so-called iron powder footwear the relative weight of the "iron powder" midsole shall not be deemed to be, in itself, controlling. The effect of the inclusion of such a midsole shall be considered together with all other characteristics in determining whether domestically produced footwear is like or similar to the imported footwear.

Effective date. The above guidelines shall be effective and shall be applied to any such merchandise which is exported to the United States after the 90th day after publication in the Federal Register.

(332.1)

MYLES J. AMBROSE,
Commissioner of Customs.

[Published in the Federal Register February 7, 1970 (35 F.R. 2731)]

(T.D. 70-45)

Bonds

Approval of consolidated aircraft bond (air carrier blanket bond), Customs Form 7605; amendment of T.D. 69-254

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., February 2, 1970.

T.D. 69-254 relating to the approval of the consolidated aircraft bond of the following principal is hereby amended as necessary to show that such principal is designated as a carrier of bonded merchandise, as noted below.

Principal	Effective date as carrier
Deutsche Lufthansa Aktiengesellschaft aka Lufthansa German Airlines & wholly-owned subsidiaries Condor Flugdienst Gesellschaft Mit Beschraenkter Haftung aka Condor Flugdienst GMBH.	July 3, 1967

(232.1)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(T.D. 70-46)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., February 4, 1970.

The Federal Reserve Bank of New York, pursuant to section 522 (c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

January 26, 1970	-----	\$0. 285025
January 27, 1970	-----	. 285066
January 28, 1970	-----	. 285066
January 29, 1970	-----	. 285066
January 30, 1970	-----	. 285066

Denmark krone:

January 26, 1970	-----	\$0. 133350
January 27, 1970	-----	. 133325
January 28, 1970	-----	. 133400
January 29, 1970	-----	. 133379
January 30, 1970	-----	. 133331

Hong Kong dollar:

Official rate of \$0.163750 for the period from January 12 through January 16, 1970, and the following Free* rates:

January 12, 1970-----	\$0.164710*
January 13, 1970-----	.164676*
January 14, 1970-----	.164812*
January 15, 1970-----	.164812*
January 16, 1970-----	.164812*

Iran rial:

For the period from January 19 through January 23, 1970, rate of \$0.0132443.

Philippine peso:

For the period from January 19 through January 23, 1970, rate of \$0.255000.

Thailand baht (tical):

For the period from January 19 through January 23, 1970, rate of \$0.0478125*.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).
(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rates.

(T.D. 70-47)

International Organizations—Customs Regulations amended

Section 10.30a, Customs Regulations, relating to customs exemptions accorded to public international organizations and certain aliens connected therewith, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

By Executive Order 11484 the President has designated the United International Bureaux for the Protection of Intellectual Property (BIRPI) as a public international organization entitled to the free entry privileges, exemptions, and immunities conferred by the International Organizations Immunities Act of December 29, 1945 (22 U.S.C. 288).

The list of public international organizations currently entitled to free entry privileges in section 10.30a(a) of the Customs Regulations is amended by inserting, in proper alphabetical order, the following:

<i>Organization</i>	<i>Executive Order</i>	<i>Date</i>
United International Bureaux for the Protection of Intellectual Property.	11484	September 29, 1969

(Secs. 498, 624, 46 Stat. 728, as amended, 759, sec. 3, 59 Stat. 669; 19 U.S.C. 1498, 1624, 22 U.S.C. 288b)
(515.35)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved January 28, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register February 11, 1970 (35 F.R. 2822)]

(T.D. 70-48)

Bonded Carriers

Approval and discontinuance of carrier bonds, Customs Form 3587

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., February 9, 1970.

Bonds of carriers for the transportation of bonded merchandise have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at end of list.

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
Armellini Express Lines, Inc., Oak & Brewster Rds., Vineland, N.J., motor carrier; The Hanover Ins. Co. PB(12-16-65) D 12-16-69 ¹	Dec. 16, 1969	Dec. 16, 1969	New York, N.Y.; \$25,000
Bay & Bay Transfer Co., Inc., 805 N. Fourth St., Minneapolis, Minn., motor carrier; Federal Ins. Co.	Oct. 27, 1969	Dec. 2, 1969	Minneapolis, Minn.; \$30,000
Boston & Woonsocket Express Co., Inc., 1117 River St., Woonsocket, R.I., motor carrier; Liberty Mutual Ins. Co.	Oct. 28, 1969	Jan. 19, 1970	Providence, R.I.; \$25,000
Victor Chimienti, Inc., W. 1023 Ide Ave., Spokane, Wash., motor carrier; General Ins. Co. of America	Dec. 27, 1968	Dec. 5, 1969	Seattle, Wash.; \$25,000
Columbia Van Lines Moving & Storage Co., Inc., 5360 Wheeler Ave., Alexandria, Va., motor carrier; The Travelers Indemnity Co. PB(3-31-68) D 1-6-70 ²	Jan. 7, 1970	Jan. 7, 1970	Baltimore, Md.; \$25,000
Commercial Truck Co., Ltd., 230 Brunette St., New Westminster, B.C., Can., motor carrier; Reliance Ins. Co.	Jan. 13, 1970	Jan. 16, 1970	Seattle, Wash.; \$25,000
Curtis, Inc., 770 E. 51st St., Denver, Colo., motor carrier; Transamerica Ins. Co. PB(12-2-68) D 12-18-69	Nov. 21, 1969	Dec. 18, 1969	Denver, Colo.; \$25,000
J. De Falco Trucking Co., Inc., 94 Madison St., Newark, N.J., motor carrier; The Aetna Casualty & Surety Co. D 1-20-70	Aug. 6, 1949	Aug. 30, 1949	New York, N.Y.; \$25,000
Diaz Motor Freight, Inc., 2829 Frenchmen St., New Orleans, La., motor carrier; The Travelers Indemnity Co.	Jan. 7, 1970	Jan. 22, 1970	New Orleans, La.; \$25,000
Emery Air Freight Corp., P.O. Box 322, Wilton, Conn., freight forwarder; Federal Ins. Co. PB(12-28-62) D 12-2-69 ³	Nov. 5, 1969	Dec. 2, 1969	New York, N.Y.; \$50,000

See footnotes at end of table.

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
England Transportation Co., Inc., 3733 Conti St., New Orleans, La., motor carrier; U.S. Fidelity & Guaranty Co.	Dec. 8, 1969	Jan. 6, 1970	New Orleans, La. \$25,000
England Transportation Co. of Texas, 2200 Collier St., Houston, Tex., motor carrier; U.S. Fidelity & Guaranty Co.	Dec. 17, 1969	Jan. 8, 1970	Houston, Tex.; \$25,000
Flite Line Service, Inc., International Airport, Philadelphia, Pa., motor carrier; The Ohio Casualty Co.	Dec. 17, 1969	Dec. 19, 1969	Philadelphia, Pa.; \$25,000
Gulf Refining Co., Houston, Tex., pipe line; Federal Ins. Co.	Nov. 17, 1969	Dec. 12, 1969	Philadelphia, Pa.; \$30,000
Halvor Lines, Inc., 510 Lonsdale Bldg., Duluth, Minn., motor carrier; Maryland Casualty Co.	Nov. 28, 1969	Dec. 11, 1969	Duluth, Minn.; \$25,000
Herrin Transportation Co., 2301 McKinney Ave., Houston, Tex., motor carrier; Seaboard Surety Co.	Jan. 25, 1969	Jan. 25, 1969	Houston, Tex.; \$25,000
D 1-10-70			
Hopper Truck Lines, 2800 W. Bayshore Rd., Palo Alto, Calif., motor carrier; Transport Indemnity Co.	Aug. 27, 1969	Nov. 26, 1969	San Diego, Calif.; \$25,000
Howard's Express, Inc., E. North St., Geneva, N.Y., motor carrier; Peerless Ins. Co.	Aug. 28, 1969	Sept. 9, 1969	Buffalo, N.Y.; \$40,000
PB(9-9-66) D 9-9-69 *			
International Transport, Inc., South Highway 52, Rochester, Minn., motor carrier; The Travelers Indemnity Co.	July 2, 1969	Dec. 2, 1969	Minneapolis, Minn.; \$25,000
PB(7-2-64) D 12-2-69 *			
Kraus Transport Ltd., 406 Gilbert Ave., Toronto, Can., motor carrier; Phoenix Assurance Co. of N.Y.	Nov. 11, 1967	Nov. 13, 1967	Buffalo, N.Y.; \$25,000
D 1-17-70			
Leonardo Truck Lines, Inc., P.O. Box 340, Granger, Wash., motor carrier; Transport Indemnity Co.	Dec. 8, 1969	Jan. 2, 1970	Seattle, Wash.; \$25,000
B. J. McAdams, Inc., 1937 Lenell Dr., Little Rock, Ark., motor carrier; St. Paul Fire & Marine Ins. Co.	Nov. 21, 1969	Jan. 6, 1970	New Orleans, La. \$25,000
PB(1-10-69) D 1-6-70 *			
M. W. McCurdy & Co., Inc., 401 Nora's La., Houston, Tex., motor carrier; The Aetna Casualty & Surety Co.	Jan. 25, 1968	Feb. 8, 1968	Houston, Tex.; \$25,000
D 1-25-70			
Malsin Transport Ltd., 7401 Newman Blvd., LaSalle, P.Q., Can., motor carrier; St. Paul Fire & Marine Ins. Co.	Dec. 11, 1969	Dec. 11, 1969	New York, N.Y.; \$25,000
PB(2-26-63) D 12-31-69 *			
Marks Dispatch, 33 Earle St., Somerville, Mass., motor carrier; Ins. Co. of North America	Dec. 31, 1969	Jan. 2, 1970	Boston, Mass. \$25,000
PB(11-8-65) D 1-2-70 *			
Mellow Truck Express, Inc., 9001 N. Denver Ave., Portland, Ore., motor carrier; St. Paul Fire & Marine Ins. Co.	Dec. 15, 1969	Dec. 16, 1969	Portland, Ore. \$25,000
Merchants Freight System, Inc. (Ind. corp), P. O. Box 2408, Jacksonville, Fla., motor carrier; Fidelity & Deposit Co. of Md.	Nov. 1, 1968	Nov. 1, 1968	Detroit, Mich.; \$30,000
D 12-1-69			
Midwest Emery Freight System, Inc., 7000 S. Pulaski Rd., Chicago, Ill., motor carrier; Seaboard Surety Co.	Oct. 4, 1969	Dec. 16, 1969	Chicago, Ill.; \$50,000
Frank R. Chullino, dba Midwest Transportation Co., 2902 Ave. "B", Council Bluffs, Iowa, motor carrier; Commercial Union Ins. Co. of America	Nov. 1, 1969	Dec. 12, 1969	Chicago, Ill.; \$25,000

See footnotes at end of table.

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y., water carrier; St. Paul Fire & Marine Ins. Co. PB(1-28-47) D 1-28-70*	Jan. 28, 1970	Jan. 28, 1970	New York, N.Y.; \$100,000
The New Dixie Lines, Inc., P.O. Box 5032, Richmond, Va., motor carrier; Fidelity & Deposit Co. of Md. D 1-2-70	June 3, 1968	June 21, 1968	Norfolk, Va.; \$25,000
Normand's City Truck Freightway's, Inc., 35 Southwest Cutoff, Worcester, Mass., motor carrier; Continental Casualty Co.	Oct. 24, 1969	Dec. 30, 1969	Boston, Mass.; \$25,000
Pacific Intermountain Express Co., P.I.E. Air Freight Forwarding Inc., National Air Freight Forwarding Corp., & Judson Sheldon Int'l Corp., Oakland, Calif., motor carrier; Ins. Co. of North America PB(3-27-64) D 10-27-69 ¹⁰	Oct. 27, 1969	Oct. 27, 1969	San Francisco, Calif.; \$25,000
Padre Freight Lines, Inc., 1400 E. Anaheim St., Wilmington, Calif., motor carrier; St. Paul Mercury Ins. Co. D 1-15-70	Nov. 22, 1967	Nov. 24, 1967	San Diego, Calif.; \$25,000
Parkhill Truck Co., P.O. Box 113, Joplin, Mo., motor carrier; States Surety Co.	Nov. 24, 1969	Dec. 8, 1969	St. Louis, Mo.; \$25,000
Piedmont Aviation, Inc., 3801 Liberty St., N.E., Winston-Salem, N.C., air carrier; Federal Ins. Co. PB(1-18-68) D 1-18-70 ¹¹	Jan. 18, 1970	Jan. 18, 1970	Baltimore, Md.; \$25,000
Red Star Express Lines of Quebec Ltd., 775 Rue Du Marche Central, Montreal, Quebec, Can., motor carrier; St. Paul Fire & Marine Ins. Co. PB(10-19-60) D 1-12-70 ¹²	Jan. 7, 1970	Jan. 12, 1970	New York, N.Y.; \$25,000
D. S. Scott Transport Ltd., 345 Harbour Ave., N. Vancouver, B.C., Can., motor carrier; General Ins. Co.	June 20, 1969	Oct. 14, 1969	Seattle, Wash.; \$25,000
Silver Streak Motor Fleet, Inc., 1171 S.E. 10th Ct., Hialeah, Fla., motor carrier; St. Paul Fire & Marine Ins., Co.	Jan. 6, 1970	Jan. 7, 1970	Miami, Fla.; \$25,000
Bobby Smith Trucking Co., 318 E. Lee Ave., Weatherford, Tex., motor carrier; Lawyers Surety Corp. D 11-28-69	Feb. 7, 1968	Apr. 19, 1968	Houston, Tex. \$25,000
Southern Calif. Freight Lines, Ltd., & United Truck Service, 2300 W. Bayshore Blvd., Palo Alto, Calif., motor carrier; Transport Indemnity Co. D 11-26-69	Apr. 15, 1967	June 9, 1967	San Diego, Calif. \$25,000
Superior Trucking Co., Inc., 2770 Peyton Rd., N.W., Atlanta, Ga., motor carrier; Continental Casualty Co. PB(12-31-68) D 12-31-69 ¹³	Dec. 31, 1969	Dec. 31, 1969	Savannah, Ga.; \$25,000
H. J. Tobler Transfer, Inc., 1012 N. Peoria St., Peru, Ill., motor carrier; Lumbermens Mutual Casualty Co. PB(9-20-68) D 12-12-69 ¹⁴	Sept. 20, 1969	Dec. 12, 1969	Chicago, Ill.; \$25,000
The Transport Co. of Tex., 2728 Agnes St., Corpus Christi, Tex., motor carrier; Pacific Indemnity Co. D 12-2-69	Dec. 1, 1966	Dec. 8, 1966	Galveston, Tex.; \$10,000

See footnotes at end of table.

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/district director, amount
Tri-State Trucking Co., Inc., P.O. Box 188, Federalburg, Md., motor carrier; Maryland Casualty Co.	Oct. 21, 1969	Oct. 21, 1969	Baltimore, Md.; \$25,000
United Freight Forwarders, Inc., 812 Berry St., St. Paul, Minn., freight forwarder; Seaboard Surety Co. PB(11-20-69) D 12-22-69	Nov. 20, 1969	Dec. 22, 1969	Minneapolis, Minn.; \$50,000

¹ Surety is Aetna Ins. Co.

² " " Great American Ins. Co.

³ " " Ins. Co. of North America.

⁴ " " Transamerica Ins. Co.

⁵ " " Fireman's Fund Ins. Co.

⁶ " " National Surety Corp.

⁷ Principal is Malslin Bros. Transport Ltd.

⁸ Surety is Fidelity & Deposit Co. of Md.

⁹ " " The Aetna Casualty & Surety Co.

¹⁰ Principal is Pacific Intermountain Express Co. & Pacific Atlantic Shippers, Inc.

¹¹ Surety is Maryland Casualty Co.

¹² Principal is Laurel Transport, Ltd.

¹³ Surety is The Aetna Casualty & Surety Co.

¹⁴ " " American Casualty Co.

(241. 2)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(T.D. 70-49)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., February 9, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.
(133.121).

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

AMERICAN GOODS RETURNED

T.D. 70-49(1) *Articles returned to the United States after having been exported for repairs or alterations. Articles exported for alterations.—American mushrooms exported in bulk quantities to Canada*

where they are cleaned in a washer, treated with antioxidant solution, rinsed, passed through freezing tunnel and packed in 20 pound bulk box or 500 tote bags may be entered under *item 806.20*, TSUS. Mushrooms which are cut during same process, or packaged in retail containers are precluded from *item 806.20*, TSUS, and dutiable on full value and total quantity. Bureau letter dated January 29, 1970. (426.211)

SHORTAGES OF MERCHANDISE

T.D. 70-49(2) *Manifested, not found.*—Manifested merchandise entered under an immediate transportation (I.T.) entry for which a bonded carrier has not become responsible under its bond because not found for delivery to the carrier, remains the responsibility of the importing carrier when the missing merchandise has not been taken into general order (T.D. 69-141(6)), and in such case the importing carrier is to be billed for the duty and internal revenue taxes on the missing articles, regardless of the kind of merchandise. The duty and taxes on the missing articles are subject to remission as a nonimportation if it is timely established that the articles did not come to the United States. Bureau letter dated December 19, 1969. (251.1)

TARIFF CLASSIFICATION

T.D. 70-49(3) *Articles not provided for elsewhere. Sterile swabs in plastic tubes.*—Sterile swabs consisting of a thin wooden applicator, one end of which is inserted into the cap of a plastic tube and the other with a wool cotton covering, some of which are plain, some of which are dipped in poly vinyl pyrrolidone and difco broth and labeled with a trade name, and some of which are dipped in horse serum and labeled "Sterile culture swabs," all of which are in plastic tubes, classifiable as entireties under the provision for Any article, not provided for elsewhere in these schedules: * * * Other, in *item 799.00*, TSUS. Bureau letter dated January 26, 1970. (471.7)

T.D. 70-49(4) *Asbestos and hydraulic cement articles. Arc chutes and hoods.*—Asbestos cement arc chutes and hoods, used as electrical insulators in electrical air circuit breakers, are classifiable under the provisions for Articles of asbestos and hydraulic cement: Other, in *item 518.44*, TSUS, rather than under the provision for Parts of electrical apparatus for making or breaking electrical circuits, in *item 685.90*, TSUS. *Headnote 1(i), Part 5 of Schedule 6*, precludes classification of electrical insulators or insulating materials under that part. Bureau letter dated January 30, 1970. (445.3)

T.D. 70-49(5) *Benzenoid colors. Color concentrates.*—Benzenoid pigments dispersed in nonbenzenoid plastic media (synthetic resin of polyvinyl chloride type) known as color concentrates, and used to

color 10 to 200 times their weight in finished products, such as lacquer, printing inks, plastics, and organic coatings, are classified under the provision for Color lakes and toners, obtained, derived, or manufactured in whole or in part from * * * any product provided for in Subpart A or B of this part (Benzenoid), in *item 406.70*, TSUS. T.D. 56551(85) revoked. Bureau letter dated December 29, 1969. (411.3)

T.D. 70-49(6) *Clothespins. Plastic clothes pegs.*—Plastic molded articles, used to fasten clothes to a clothes line, which are slightly flexible, approximately three inches long, and having one end which serves as a clamp which secures the clothes to the line while the other end has a protruding arm which is hooked behind the line, thereby effecting a firmer hold upon the clothes, classifiable under the provision for Clothespins: * * * Other than spring type: Of plastics, in *item 790.07*, TSUS. Bureau letter dated January 19, 1970. (418.44)

T.D. 70-49(7) *Electrical measuring, checking, analyzing or automatically controlling apparatus. Computer.*—A solid-state computer used to monitor power lines and calculate and measure the rate of change of frequency in generating systems or transmission networks, and to transmit command signals to external relays, is classifiable under the provision for Electrical measuring, checking, analyzing, or automatically controlling * * * apparatus * * *: * * *: Other, in *item 712.49*, TSUS. Bureau letter dated January 29, 1970. (426.846)

T.D. 70-49(8) *Fabrics, of textile materials, woven, nspf. Wool/asbestos cloth.*—Woven fabric used in the manufacture of wearing apparel, made with yarns composed of a blend of wool, nylon and asbestos fibers, in chief weight of wool and in chief value of asbestos. The product does not contain asbestos in sufficient amounts to impart its peculiar characteristics or properties to the manufactured article. Merchandise of this kind is classifiable under the provisions for Woven fabrics, of wool: * * * Other: * * *: * * *: Other: * * *: Valued not over \$1.26 $\frac{2}{3}$ per pound, in *item 336.50*, TSUS. Bureau letter dated November 4, 1969 (473.3). *Schedule 3, Headnotes 1(ii), 2(a)(iv) and 7*, noted. Bureau letter dated January 12, 1970. (473.3)

T.D. 70-49(9) *Footwear. Ballet slippers.*—Ballet slippers with cotton duck uppers and soles of leather are footwear with uppers of fibers and soles of leather, and classifiable in *item 700.66* or *700.68*, TSUS, depending on value. Bureau letter dated January 28, 1970. (455.441)

T.D. 70-49(10) *Furniture, nspf. Storage system.*—Storage system consisting of a number of steel mobile or slide-out cases having aluminum inclinable shelves, and housed in a compact steel cabinet intended for use in pharmacies, classifiable under the provision for

Furniture, and parts thereof, not specially provided for: * * * Other, in *item 727.55*, TSUS. Bureau letter dated January 29, 1970. (426.85)

T.D. 70-49(11) Graphite. Graphite fibers.—High modulus graphite fibers, having a wide range of industrial applications, are classifiable under the provision for Articles not specially provided for, of carbon or graphite, in *item 517.91*, TSUS. Bureau letter dated January 28, 1970. (445.83)

T.D. 70-49(12) Greeting cards, hand printed from original design by silk-screen process.—Greeting cards, hand printed from an original design by a silk-screen process classifiable under the provision for Greeting cards * * * finished or not finished, and with or without envelopes: * * *, in *item 274.00*, TSUS, and not under the provision for Prints, in *item 765.10*, TSUS, by reason of the application of *Headnote 1(iii)*, to *Part 11, Subpart A, Schedule 7*, TSUS, which precludes from classification in that subpart articles made in any part by stencilling or other mechanical processes. Bureau letter dated January 20, 1970. (497.3)

T.D. 70-49(13) Inorganic chemical compound. Ammonium bifluoride.—Ammonium bifluoride is classifiable under the provision for Ammonium compounds: * * * Other, in *item 417.44*, TSUS. Bureau letter dated January 27, 1970. (417.44)

T.D. 70-49(14) Iron or steel articles, nspf. Expansion pin.—Expansion pin or roll pin of spring steel fully slotted and tapered on both ends measuring 2 inches in length and 5/16-inch in diameter and having a general application as a tension fastener, since it contracts when driven into a drilled hole and is held in place by tension, classifiable under the provision for Articles of iron or steel, not coated or plated with precious metal: * * * Other articles: Other, in *item 657.20*, TSUS. Bureau letter dated January 20, 1970. (424.411)

T.D. 70-49(15) Iron or steel articles, nspf. Tractor arches.—Tractor arches for logging which are accessories used with logging tractors are classifiable under the provision for Articles of iron or steel, not coated or plated with precious metal: * * * Other articles: * * * Other, in *item 657.20*, TSUS. Bureau letter dated January 26, 1970. (434.2)

T.D. 70-49(16) Mineral products. Flatting agent.—A flatting agent of pure silica in powder form, used for flatting paints, varnishes, and lacquers, is classifiable under the provision for Silicia, not specially provided for, in *item 523.11*, TSUS. Bureau letter dated January 29, 1970. (445.4)

T.D. 70-49(17) *Paper, cut to size or shape.*—White paper strip imported separately, whether or not printed with trade name, measuring about $14\frac{1}{2}$ inches long and 4 inches wide, to be laminated to polyethylene bags which are used in the preparation of fried foods, classifiable under the provision for Other paper * * * cut to size or shape: * * * Other, not specially provided for, in *item 256.30*, TSUS. Definition of term "cut to size or shape" in *Schedule 2, Part 4, Headnote 2(b) (i)*, which includes paper without slits, holes, or other perforations in rolls or strips not exceeding 6 inches in width, noted. Bureau letter dated January 30, 1970. (483.41)

T.D. 70-49(18) *Plastic containers.*—Polyethylene bags with white paper strips laminated to one side, whether or not printed, open at one end, and measuring approximately $14\frac{1}{2}$ inches long and 4 inches wide with folded-in $\frac{3}{4}$ inch side gussets, in chief value of plastics, to be used to hold a bread-flour type mixture which will be shaken with chicken or chops preparatory to frying, classifiable under the provision for Containers, of rubber or plastics * * * chiefly used for the packing, transporting, or marketing of merchandise, in *item 772.20*, TSUS, since the bags are of a class or kind chiefly used in the packing, transporting, or marketing of merchandise. *General Headnote 10(e) (i)*, noted. Bureau letter dated January 30, 1970. (483.41)

T.D. 70-49(19) *Precious metals. Palladium-silver bar.*—Palladium-silver bars are classifiable under the provision for Platinum (including gold or silver-plated platinum but not rolled platinum) * * * Semimanufactured: * * * Other, including alloys of platinum, in *item 605.08*, TSUS. Bureau letter dated January 29, 1970. (427.21)

T.D. 70-49(20) *Puzzles.*—Five different miniature plastic puzzles in the shapes of a bucking horse, space gun, aeroplane, racing car and boat, with between 6 and 8 plastic interlocking pieces incorporated in each puzzle, the puzzles being packaged in a blister package with the methods of assembly and disassembly of the puzzles imprinted on the back, classifiable under the provision for Puzzles, in *item 735.20*, TSUS. Bureau letter dated January 27, 1970. (492.211)

T.D. 70-49(21) *Viscometers, kinematic viscosity bath, parts.*—A constant temperature bath designed for use in Kinematic Viscosity tests is classifiable under the provision for Parts of viscometers * * * and other instruments and apparatus for measuring or checking * * *: * * *, in *item 711.88*, TSUS. Bureau letter dated January 23, 1970. (424.183)

T.D. 70-49(22) *Wood moldings. Picture frame moldings. Stand-ard wood moldings. Words and Phrases. Classification Principles.*—Moldings produced by moving pieces of lumber once through a mold-

ing machine or sticker with the result that pieces are cut to a desired uniform cross-sectional pattern, and then cut to commercial lengths of 3 feet or greater are classifiable under the provision for Wood moldings * * * Standard wood moldings, not drilled or treated: * * *, under item 202.62 or 202.64, TSUS, depending on the type of wood. In *Border Brokerage Company, Inc. v. United States*, C. D. 3903 (1969), the United States Customs Court held that the provisions for *standard wood moldings* were expressed in the tariff schedules in unequivocal language and that resort to the legislative history was not warranted. Thus, moldings which meet the description set forth in *Schedule 2, Part 1B, Headnote 2(e)*, TSUS, which reads "Wood moldings worked to a pattern and having the same profile in cross section throughout their length," are classifiable as *standard wood moldings*. The cited case reverses T. D. 67-233 (18) which will no longer be followed. Bureau letter dated December 23, 1969. (481.3)

(T.D. 70-50)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., February 11, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from February 2 through February 6, 1970,
rate of \$0.285066.

Denmark krone:

February 2, 1970-----	\$0.133329
February 3, 1970-----	.133333
February 4, 1970-----	.133395
February 5, 1970-----	.133383
February 6, 1970-----	.133337

Hong Kong dollar:

Official rate of \$0.163750 for the period from January 19 through January 23, 1970, and the following Free* rates:

January 19, 1970-----	\$0.164846*
January 20, 1970-----	.164744*
January 21, 1970-----	.164812*
January 22, 1970-----	.164880*
January 23, 1970-----	.164880*

Iran rial:

For the period from January 26 through January 30, 1970, rate of \$0.0132443.

Philippine peso:

For the period from January 26 through January 30, 1970, rate of \$0.255000.

Thailand baht (tical):

For the period from January 26 through January 30, 1970, rate of \$0.0478125*.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rates.

(T.D. 70-51)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textile products in category 51, manufactured or produced in Malaysia

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., February 13, 1970.

There is published below the directive of January 19, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the United States of cotton textile products in category 51, manufactured or produced in Malaysia.

This directive was published in the Federal Register on January 22, 1970 (35 F.R. 927), by the Interagency Textile Administrative Committee.

(343.3)

MYLES J. AMBROSE,
Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

January 19, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning November 18, 1969 and extending through November 17, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 51, produced or manufactured in Malaysia, in excess of a level of restraint for the period of 9,240 dozen.¹

In carrying out this directive, entries of cotton textile products in Category 51, produced or manufactured in Malaysia and which have been exported to the United States from Malaysia prior to November 18, 1969, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 51, in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

¹ This level has not been adjusted to reflect any entries made on or after November 18, 1969.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-52)

Cotton textiles—Restriction on entry

Restriction on entry of certain cotton textiles manufactured or produced in
Colombia

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., February 16, 1970.

There is published below the letter of February 3, 1970, received by the Commissioner of Customs from the Interagency Textile Administrative Committee amending the levels of restraint for certain categories of cotton textiles manufactured or produced in Colombia, contained in the President's Cabinet Textile Advisory Committee directive of June 30, 1969 (T.D. 69-174).

This letter was published in the Federal Register on February 7, 1970 (35 F.R. 2755).

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE ASSISTANT SECRETARY OF COMMERCE

WASHINGTON, D.C. 20230

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

February 3, 1970.

COMMISSIONER OF CUSTOMS

*Department of the Treasury**Washington, D.C. 20226*

DEAR MR. COMMISSIONER:

On June 30, 1969, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Colombia, and exported to the United States on or after July 1, 1969, in excess of the designated adjusted levels of restraint. The Chairman further advised you that in the event that there were any further adjustments¹ in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph five (5) of the bilateral cotton textile agreement of September 18, 1968, between the Governments of the United States and Colombia, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of June 30, 1969, the adjusted levels of restraint provided in that directive for cotton textile products in Categories 16 and 26, produced or manufactured in Colombia and exported from Colombia to the United States, for the period beginning July 1, 1969, and extending through June 30, 1970, are hereby amended as follows, to be effective as soon as possible:

<i>Categories</i>	<i>Amended Adjusted Twelve-Month Levels of Restraint²</i>
16	1,037,250 sq. yards
26	3,608,215 sq. yards of which not more than 546,489 sq. yards shall be in duck fabric. ³

¹ The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of September 18, 1968, between the Governments of the United States and Colombia which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements.

² These levels have not been adjusted to reflect entries made on or after July 1, 1969. Entries made on or after July 1, 1969, and through January 23, 1970 in category 16 totaled 947,583 square yards and in category 26, totaled 845,278 square yards, of which 323,296 square yards were duck fabrics.

³ Only T.S.U.S.A. Nos.

320.—01 through 04, 06, 08

321.—01 through 04, 06, 08

322.—01 through 04, 06, 08

326.—01 through 04, 06, 08

327.—01 through 04, 06, 08

328.—01 through 04, 06, 08

The overall adjusted level of restraint for Categories 5 through 27 is also amended, to be effective as soon as possible, to 17,501,874 square yards.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton textiles and cotton textile products from Colombia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

STANLEY NEHMER

*Chairman, Interagency Textile
Administrative Committee, and
Deputy Assistant Secretary
for Resources*

(T.D. 70-53)

Designation of packages to be examined

Sections 8.22(a) and 8.59(c), Customs Regulations, prescribing the mode in which packages are designated for examination, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

In order to provide latitude for district directors of customs to designate packages to be examined pursuant to section 499, Tariff Act of 1930, as amended, by some means other than the placing of the designation notice on the entry document, the Customs Regulations are amended as follows:

Paragraph (a) of section 8.22 is amended to read:

(a) Pursuant to section 499, Tariff Act of 1930, as amended,²⁷ the district director of customs shall designate, with respect to each invoice, the packages to be examined and the place where the

examination is to be made if elsewhere than at the public stores. Designations for examination of merchandise may be made by the district director before the arrival of the merchandise. The designation of packages shall be by minimum percentages of packages or quantities which will be examined unless the district director shall be of the opinion that the proper protection of the revenue requires packages to be otherwise designated for examination. Information as to particular packages designated for examination, when less than the total number of packages in the shipment, shall not be given or be accessible to anyone, other than the customs officers necessarily concerned, prior to the arrival of the merchandise within the limits of the port. The district director shall similarly designate merchandise which is to be gauged, measured, or weighed. If the merchandise is bulky, inflammable, explosive, or dangerous, the district director shall direct that the examination take place on the wharf or at any other suitable place. The above procedures shall also be applicable to merchandise to be released under immediate delivery permits pursuant to section 8.59(c).

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624.)

Paragraph (c) of section 8.59 is amended to read:

(c) Applications for special permits for the delivery of imported articles prior to entry therefor shall be made in duplicate on customs Form 3461, and shall be supported by evidence satisfactory to the district director of customs of the right of the applicant to make entry for the articles with respect to which the application is filed. If the district director is satisfied that the conditions warrant such action, a special permit may be granted to cover the delivery prior to entry of a class or classes of articles particularly described in the application for such permit and imported during a period not to exceed 1 year. In such case the fact of release of the merchandise shall be noted on the manifest and initialed by the customs officer who released the merchandise. Designations for examination of merchandise to be released under immediate delivery permits shall be made in accordance with section 8.22(a).

(R.S. 251, secs. 448, 624, 46 Stat. 714, 759; 19 U.S.C. 66, 1448, 1624.)

Effective date. These amendments shall become effective on the date of their publication in the Federal Register.

(325.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved February 12, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register February 20, 1970 (35 F.R. 3232)]

(T. D. 70-54)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., February 19, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.
(133.121)

ROBERT V. MCINTYRE,
*Assistant Commissioner,
Office of Regulations and Rulings.*

TARIFF CLASSIFICATION

T.D. 70-54(1) *Building boards. Article of bamboo.*—"Thai-board," composed of 1 or 2 sheets of interwoven bamboo strips $\frac{3}{4}$ inch wide pressed together and laminated, in sheets 4 feet by 8 feet and in thicknesses of 2 mm. and 3.5 mm., the 2 mm. thickness being non-rigid and the 3.5 mm. thickness being rigid and face finished with a clear, transparent material (probably resin), capable of use for interior decoration, furniture, and building purposes such as wall and ceiling panels, classifiable according to chief use and composition. Building boards are defined in *Schedule 2, Part 3, Headnote 1(e)*, TSUS, as "panels of rigid construction, including tiles and insulation board, chiefly used in the construction of walls, ceilings, or other parts of buildings." If the boards which are 3.5 mm. thick and rigid are chiefly used as building boards, they are classifiable according to composition under the provisions for Building boards not specially provided for, whether or not face finished: Laminated boards bonded in whole or in part, or impregnated with synthetic resins, in *item 245.80*, TSUS, or, as Other boards, of vegetable fibers (including wood fibers); in *item 245.90*, TSUS. If the 3.5 mm. sheets are not chiefly used as building boards, then these sheets and the non-rigid 2 mm. sheets are classifiable under the provision for Articles not specially provided for, of unspun fibrous vegetable materials: Of * * * bamboo * * *, in *item 222.60*, TSUS. Bureau letter dated February 5, 1970. (481.21)

T.D. 70-54(2) *Closures, of rubber or plastics.*—Seals for sealing the ends of tubes containing soil samples, the seals being comprised of acetal plastic discs and rubber "O" rings with a bolt and wing nut,

classifiable under the provisions for Caps, lids, seals, stoppers, and other closures, all the foregoing of rubber or plastics, in *item 772.85*, TSUS. Bureau letter dated February 3, 1970. (423.23)

T.D. 70-54(3) *Electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus. Fluoride analyzer.*—An apparatus used to determine the fluoride concentration of air by comparing the ratio of transmittance of a sample of gaseous fluorides absorbed from the air to a sample of pure dye reagent in a ratio photometer and recording the measurement on a recorder, is classifiable under the provision for Electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus, and parts thereof * * *: Other, in *item 712.49*, TSUS. Bureau letter dated February 3, 1970. (434.6)

T.D. 70-54(4) *Electrical parts of articles. Anodes.*—Sheets of titanium, formed and welded together, to which a thin coating of platinum, iridium, or ruthenium is applied, with two feeder bars made of either copper or sodium, which act as electrical conductors, for use in chlorine-caustic cells, are classifiable under the provision for Electrical parts of articles, nspf, in *item 688.40*, TSUS. Bureau letter dated February 3, 1970 (511.1)

T.D. 70-54(5) *Fastener, of man-made fibers.*—Fastener, consisting of two pieces of fabric locking together by action of mushroomlike polypropylene studs and knitted nylon pile on opposing surfaces that can be separated by a peeling motion and refastened by slight pressure, classifiable under the provision for Articles not specially provided for, of textile materials: * * * Not ornamented: * * * Of man-made fibers: * * * Pile or tufted construction, in *item 389.50*, TSUS. Bureau letter dated January 28, 1970. (474.5)

T.D. 70-54(6) *Fatty substances, ricinoleyl alcohol.*—Ricinoleyl alcohol, composed of 80 to 87 percent ricinoleyl and small amounts of linoleyl, oleyl, and stearyl alcohols, is classifiable under the provision for Fatty alcohols of animals * * * or vegetable origin: * * * Other: Derived from coconut, palm-kernel, or palm oil, in *item 490.73*, TSUS, or *item 490.75*, TSUS, depending on derivation. Bureau letter dated February 4, 1970. (417.52)

T.D. 70-54(7) *Glass products. Nursing bottle.*—Glass nursing bottle for infants and babies, 8 ounce capacity of usual design with rubber nipple inserted inside the mouth of the bottle to which is screwed a plastic top with plastic disc closure, an entirety in chief value of glass, classifiable according to value under the provisions for Household articles * * * nspf: * * * Other glassware: * * * Other: Valued not over \$0.30 each, in *item 546.52*, TSUS, or, Valued over

\$0.30 but not over \$1.00 each, in *item 546.54*, TSUS. Bureau letter dated February 9, 1970. (443.4)

T.D. 70-54(8) *Locks, door locksets and vending machine locks, with magnets.*—A door lockset and a vending machine lock with magnets in the cylinder and the key, are classifiable under the provision for Locks * * * of base metal: * * *: Other, in *item 646.92*, TSUS. Bureau letter dated February 2, 1970. (424.43)

T.D. 70-54(9) *Machines, nsf. Welding, appliances, gas-operated. Welding machines and apparatus, electrical. Machine tools, metal working.*—Friction welding machines performing the function of welding with neither gas nor electricity, classifiable under the provision for Machines nsf * * *, in *item 678.50*, TSUS, rather than under the provision for Gas-operated welding * * * appliances * * *: Other, in *item 674.90*, TSUS, or under the provision for Electric * * *: Welding machines and apparatus * * *, in *item 683.90*, TSUS. Devices of this class or kind not machine tools within the purview of *Schedule 6, Part 4, Subpart F. Headnote 1*, TSUS. Bureau letter dated February 4, 1970. (434.6)

T.D. 70-54(10) *Machines, nsf. Wire wipers and strippers.*—Wire wipers consisting of movable hoods and plates upon which mechanical wiping units are set, powered by electric motors, designed to wipe treated wire, classifiable under the provision for Machines nsf * * *, in *item 678.50*, TSUS. Strippers equipped with central reduction drives and rotary speed variators and circular slotted tracks where loading, soaking, stripping, wiping, and ejection operations are performed; designed to automatically strip and wipe wires, similarly classifiable. Bureau letter dated January 29, 1970. (431)

T.D. 70-54(11) *Models.*—A model smoke stack for a locomotive, made to a scale ratio of 1 to 87, considered to be a model article in and of itself, classifiable under the provision for Model * * * articles, all the foregoing whether or not toys * * *: Other models * * *: Other, in *item 737.15*, TSUS, and not under *item 737.07*, TSUS, as that provision of the tariff schedules does not provide for parts. Bureau letter dated February 6, 1970. (492.123)

T.D. 70-54(12) *Structures, of base metal. "Temporary Warehouse."*—A structure consisting of a polyester cloth laminated with PVC material covered steel framework mounted on wheels which in turn rides on rails, classifiable under the provision for Other structures and parts of structures, all the foregoing of base metal: * * * Other, in *item 652.98*, TSUS. Bureau letter dated February 3, 1970. (426.89)

T.D. 70-54(13) Textile articles nspf, not ornamented. Hammock.—Hammocks woven from cotton fibers, classifiable under the provision for Articles nspf, of textile materials: * * * Other articles, not ornamented: Of cotton: * * * Other, in *item 386.50*, TSUS. If woven from man-made fibers, classifiable under the provision for Articles nspf, of textile materials: * * * Other articles, not ornamented: * * * Of man-made fibers: * * * Other, in *item 389.60*, TSUS. Bureau letter dated February 9, 1970. (490)

T.D. 70-54(14) Towels.—Seamed, plain-woven, unornamented cotton towels in the greige, classifiable under the provision for Towels: of cotton: * * * Other, in *item 366.27*, TSUS. Bureau letter dated February 2, 1970. (471.253)

T.D. 70-54(15) Valves, unfinished.—Unfinished valves imported without operators and capable of being made into either hand-operated or automatic types after importation, classifiable under the provision for Valves, and similar devices, however operated, used to control the flow of liquids, gases, or solids * * * : * * * : Other: * * * Other, in *item 680.27*, TSUS. *General Headnote 10(h)*, noted. Bureau letter dated February 4, 1970. (434.6)

(T.D. 70-55)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., February 24, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from February 9 through February 13, 1970,
rate of \$0.285066.

Denmark krone:

February 9, 1970	-----	\$0.133353
February 10, 1970	-----	.133425
February 11, 1970	-----	.133420
February 13, 1970	-----	.133354

Hong Kong dollar:

Official rate of \$0.163750 for the period January 26 through January 30, 1970, and the following Free* rates:

January 26, 1970-----	\$0.164880*
January 27, 1970-----	.164948*
January 28, 1970-----	.164948*
January 29, 1970-----	.165016*
January 30, 1970-----	.164948*

Iran rial:

For the period from February 2 through February 6, 1970, rate of \$0.0132443.

Philippine peso:

For the period from February 2 through February 6, 1970, rate of \$0.255000.

Thailand baht (tical):

For the period from February 2 through February 6, 1970, rate of \$0.0478125*.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rate.

(T.D. 70-56)

Fish—Tariff rate quota

The tariff-rate quota for the calendar year 1970, on certain fish dutiable under item 110.50, Tariff Schedules of the United States

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., February 26, 1970.

In accordance with item 110.50, of part 3, schedule 1, Tariff Schedules of the United States, it has been ascertained that the average aggregate apparent annual consumption in the United States of fish, fresh, chilled or frozen, fillets, steaks, and sticks, of cod, cusk, haddock, hake, pollock, and rosefish, in the three years preceding 1970, calculated in the manner provided for in headnote 1, part 3A, schedule 1, was 182,673,899 pounds. The quantity of such fish that may be imported for

consumption during the calendar year 1970 at the reduced rate of duty under item 110.50 is, therefore, 27,401,085 pounds.

(343.3)

MYLES J. AMBROSE,
Commissioner of Customs.

[Published in the Federal Register March 4, 1970 (35 F.R. 4082)]

(T.D. 70-57)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., February 26, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from February 16 through February 20, 1970,
rate of \$0.285066.

Denmark krone:

February 16, 1970	\$0.133320
February 17, 1970	.133312
February 18, 1970	.133412
February 19, 1970	.133408
February 20, 1970	.133400

Hong Kong dollar:

Official rate of \$0.163750 for the period from February 2 through February 6, 1970, and the following Free rates:

February 2, 1970	\$0.165084
February 3, 1970	.165084
February 4, 1970	.165016
February 5, 1970	.165084
February 6, 1970	No rate

Iran rial:

For the period from February 9 through February 11 and February 13, 1970, rate of \$0.0132443.

Philippine peso:

For the period from February 9 through February 11 and February 13, 1970, rate of \$0.255000*.

Thailand baht (tical):

For the period from February 9 through February 11 and February 13, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rate.

(T. D. 70-58)

Presidential Proclamation—Pianos

Presidential Proclamation No. 3964 providing for increased rates of duty on imports of pianos other than grand pianos

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 2, 1970.

There is published below Presidential Proclamation No. 3964 of February 21, 1970, which provides for increased rates of duty on pianos (including player pianos whether or not with keyboards) other than grand pianos and suspends for a 3-year period the Kennedy Round tariff reductions on such pianos.

The increased duties on the pianos provided for apply to articles entered, or withdrawn from warehouse, for consumption during the 3-year period beginning February 21, 1970.

(012)

MYLES J. AMBROSE,
Commissioner of Customs.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of

1930, as amended, and section 201 of the Trade Expansion Act of 1962 (19 U.S.C. 1821), the President, by Proclamation No. 2929 of June 2, 1951, No. 3140 of June 13, 1956, and No. 3822 of December 16, 1967 (65 Stat. c12, 70 Stat. c33, and 82 Stat. 1455), proclaimed such modifications of existing duties as were found to be required or appropriate to carry out trade agreements into which he had entered;

2. WHEREAS among the proclaimed modifications were modifications in the rate of duty on pianos which are now provided for in item 725.02 of the Tariff Schedules of the United States (TSUS);

3. WHEREAS the United States Tariff Commission has submitted to me a report of its Investigation No. TEA-I-14 under section 301 of the Trade Expansion Act of 1962 (19 U.S.C. 1901), on the basis of which investigation and a hearing duly held in connection therewith the said Commission has determined that pianos provided for in TSUS item 725.02 are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to threaten to cause serious injury to the domestic industry producing like or directly competitive products; and

4. WHEREAS I have determined that an increase in the prevailing rate of duty on pianos, except grand pianos, provided for in TSUS item 725.02, to a rate of duty of 13.5 percent ad valorem as hereinafter proclaimed is necessary to prevent serious injury to the piano industry:

Now, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including sections 201(a)(2), 302(a)(2) and (3), and 351(a)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(2), 19 U.S.C. 1902(a)(2) and (3), and 1981(a)(1)), and in accordance with section 253(d) of said Act (19 U.S.C. 1883(d)), and Article XIX of the General Agreement on Tariffs and Trade (61 Stat. (pt.5) A58; 8 UST (pt.2) 1786), do proclaim that—

(1) Item 725.02 in Part I of Schedule XX to the Geneva (1967) Protocol to the General Agreement on Tariffs and Trade (19 UST (pt.2) 1723) is superseded by the same article descriptions and item numbers as are provided for in the modification of Proclamation 3822 set forth in paragraph (2)(a) hereof, with "8.5% ad val." in the rate of duty column in each of the new items 725.01 and 725.03; except that, (i) so long as the articles provided for in new item 725.01 in Schedule XX are dutiable under item 924.00 (added to the Appendix to the Tariff Schedules by paragraph (3) hereof), the rate in said item 725.01 shall be the rate in said item 924.00, and (ii) thereafter the staging of further reductions in the duty applicable to such articles shall be subject to general note 3(d)(ii) to the said Schedule XX;

(2) Proclamation No. 3822 is modified—

(a) In Annex II, by inserting after section E the following new section:

"Section F. Effective as to articles entered, or withdrawn from warehouse, for consumption on and after February 21, 1970:

Schedule 7, Part 3, Subpart A

1. Item 725.02 is superseded by:
[Stringed musical instruments:]

Pianos (including player
pianos, whether or not
with keyboards); harp-
sichords, clavichords,
and other keyboard
stringed instruments:

725.01 Pianos (including player
pianos, whether or not
with keyboards), except
grand pianos-----

[See Annex III] [40% ad val.];

725.03 Other ----- [See Annex III] [40% ad val.]”

- (b) In Annex III of said proclamation, by redesignating item
“725.02” as “725.03” and adding immediately preceding item
725.03 the following new item and headings applicable solely
thereto:

	Rate of duty effective on and after—		
	Feb. 21, 1970	Jan. 1, 1974	Jan. 1, 1975
725.01	11.5% ad val-----	10% ad val-----	8.5% ad val.”;

(3) Effective with respect to articles entered, or withdrawn from
warehouse, for consumption during the three-year period commencing
on the date of this proclamation, the TSUS is modified by inserting
immediately after item 923.77 in part 2A of the appendix to the TSUS
the following new item:

“924.00	Pianos (including player pianos, whether or not with key- boards), except grand pianos, provided for in item 725.01	13.5% ad val---	No change”.
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(4) Provision is hereby made, with respect to the piano (including
player pianos, whether or not with keyboards) industry, that: (a) its
firms may request the Secretary of Commerce for certifications of
eligibility to apply for adjustment assistance under Chapter 2 of Title
III of the Trade Expansion Act of 1962; and (b) its workers may
request the Secretary of Labor for certifications of eligibility to apply
for adjustment assistance under Chapter 3 of Title III of the Trade
Expansion Act of 1962.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day
of February in the year of our Lord nineteen hundred and seventy,
and of the Independence of the United States of America the one
hundred and ninety-fourth.

RICHARD NIXON.

(T.D. 70-59)

Works of art—Customs Regulations amended

Customs Form 3307, declaration for free entry of certain works of art and artistic antiquities abolished, sections 10.48, 10.50, and 10.53, Customs Regulations, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 3, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE,
ETC.

To eliminate the requirement for the filing of customs Form 3307 in connection with the entry of certain Works of Art, Artistic Antiquities, Original Paintings, Statuary, Etc., Sections 10.48, 10.50, and 10.53 are amended as follows:

In section 10.48 (b) subdivision (3) is deleted.

In section 10.50 the following is substituted for the last sentence:

This declaration may be executed on commercial invoices when a purchase is involved or on a pro forma invoice when the artist and the importer are the same person and shall be attached to the entry papers used to effect clearance.

In section 10.53 paragraph (b) is amended to read as follows:

(b) At the time of entry of articles under item 766.20 or 766.25, Tariff Schedules of the United States, the following shall be required on the reverse of customs Form 6417:

The articles entered herein are being imported for _____.
(State whether for sale or personal use.)

Paragraph (c) is amended to read as follows:

(c) Articles accompanying a passenger and entitled to entry under the passenger's declaration and entry, or articles entered under an informal entry which are claimed to be free of duty under item 766.20 or 766.25, Tariff Schedules of the United States, may be admitted free of duty upon the execution of a declaration on the face of the entry provided that the passenger or person filing the informal entry is the owner of the articles and that they are for his personal use and not for sale or other commercial use and provided the customs officer concerned is satisfied that the articles are of the requisite age.

(R.S. 251, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1202 (Gen. Hdnote. 11), 1624.)

Effective date. These amendments shall be effective upon publication in the Federal Register.

(300)

EDWIN F. RAINS,

Acting Commissioner of Customs.

Approved February 26, 1970:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register March 10, 1970 (35 F.R. 4292)]

(T.D. 70-60)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., March 5, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.

(133.121)

ROBERT V. MCINTYRE,

Assistant Commissioner,

Office of Regulations and Rulings.

TARIFF CLASSIFICATION

T.D. 70-60(1) *Articles of textile materials, nspf.*—Chainette yarn, used in the manufacture of various trimmings, made from a single end of rayon spun through a Rachel machine to form the yarn, not braided, is classifiable under the provision for Articles nspf, of textile materials: * * * Other articles, not ornamented: * * * Of man-made fibers: Knit (except pile or tufted construction), in *item 389.40*, TSUS. Bureau letter dated February 9, 1970. (474.86)

T.D. 70-60(2) *Carrier. Articles of plastics, nspf.*—A plastic hand-held baby carrier in the nature of a basket measuring 28 inches x 15 inches x 2 inches folded and weighing approximately 4 pounds 13 ounces, classifiable under the provision for Articles nspf, of * * *

plastics: * * * Other, in *item 774.60*, TSUS. Bureau letter dated February 10, 1970. (418.44)

T.D. 70-60(3) *Ceramic articles, nspf. Cheese server.*—Cheese server, in chief value of ceramic tile, classifiable under the provision for Household articles * * * nspf, of ceramic ware: Of ceramic tile, in *item 534.21*, TSUS, and not under the provision for Articles chiefly used for * * * serving food * * *, in *items 533.11 through 533.77*, TSUS, as those items do not provide for articles in chief value of ceramic tile. *General Headnote 10(c) (i)*, noted. Bureau letter dated February 10, 1970. (444.22)

T.D. 70-60(4) *Fireworks.*—Smoke grenade, consisting of a plastic hollow casing measuring $1\frac{3}{8}$ inches in diameter and $2\frac{1}{2}$ inches long with a $2\frac{1}{2}$ -inch long cardboard cylinder inserted through an opening in the top which leaves the tip exposed, when ignited the powder in the cylinder burns emitting a colored smoke, classifiable under the provision for Fireworks, in *item 755.15*, TSUS. Bureau letter dated February 10, 1970. (415.6)

T.D. 70-60(5) *Fishing floats. Articles nspf, wholly or almost wholly of expanded or foamed plastics.*—Fishing floats, used in commercial fishing to hold nets, molded wholly of expanded or foamed polystyrene-type plastic that is noncompressible, is classifiable under the provision for Expanded, foamed * * * plastics * * * nspf * * *: Not flexible, in *item 770.30*, TSUS. If molded wholly of polyvinyl chloride-type plastic that is compressible, it is classifiable under the provision for Expanded, foamed * * * plastics * * * nspf * * *: * * *: Other, in *item 770.80*, TSUS. Bureau letter dated February 13, 1970. (418.44)

T.D. 70-60(6) *Floor covering, hand tufted.*—Floor covering constructed of monks cloth backing through which tufted acrylic fibers are inserted with a hand punch needle gun, classifiable under the provision for Floor coverings of pile or tufted construction, of textile materials: * * * In which the pile or tufts were inserted * * * into a pre-existing base: * * * Other: Hand-hooked, that is, in which the pile or tufts were inserted or knotted by hand or by means of a hand tool, in *item 360.75*, TSUS. Bureau letter dated February 9, 1970. (475.26)

T.D. 70-60(7) *Meat. Beef, prepared or preserved.*—Beef which has been cut into pieces 2 x 3 inches square, soaked in a papain solution which tenderizes the meat and changes its physical character, is classifiable under the provision for Beef * * * prepared or preserved, in

items 107.50, 107.55, or 107.60, TSUS, depending on how packed and value. Bureau letter dated February 17, 1970. (452.1)

T.D. 70-60(8) *Paper and paperboard articles. Reinforced paper.*—Reinforced paper articles for use as protecting covers from the elements, classifiable under the provision for Articles * * * of paper, * * * nsfp: * * * Other: Of papers, coated, or of any of the papers provided for in items * * * 253.35, in *item 256.85, TSUS*. Bureau letter dated February 9, 1970. (483.5)

T.D. 70-60(9) *Printed matter. Printing on plastics.*—Advertising text and illustrations printed on pressure sensitive plastics with protective liner, classifiable under the provision for Sheets, strips, tapes, stencils, monograms, and other flat shapes or forms, all the foregoing articles * * * which are pressure sensitive, with or without protective liners, and whether or not in rolls, in *item 790.55, TSUS*. Advertising text susceptible of authorship letterpress printed on plastic, classifiable under the provision for Printed matter nsfp: * * * Other: Susceptible of authorship, in *item 274.85, TSUS*. Advertising matter not susceptible of authorship letterpress printed on plastic, classifiable under the provision for Printed matter nsfp: * * * Other: * * * Other, in *item 274.90, TSUS*. Bureau letter dated February 16, 1970. (484.3)

T.D. 70-60(10) *Toys, nsfp. Pontoon pedal boat.*—Pontoon pedal boat weighing about 25 pounds, consisting of a wooden rudder, aluminum tubing, seat, plastic steering wheel, and two inflatable plastic pontoons strapped to the light aluminum tubing, chiefly used by children in small pools and not for serious boating purposes in large bodies of water, classifiable under the provision for Toys, * * *, nsfp: * * * Other, in *item 737.90, TSUS*. Bureau letter dated December 29, 1969. (433.51)

T.D. 70-60(11) *Wearing apparel, of textile materials.*—Men's nylon, one-piece snowmobile (snow) suit with attached hood, bearing a printed tag which states that the suit consists of a 100 percent nylon outer shell, is silicone treated to resist stains, and coated with neoprene to make it waterproof and windproof, classifiable under the provision for Other men's or boys' wearing apparel, not ornamented: * * * Of man-made fibers: * * * Not knit, in *item 380.84, TSUS*, and not under the provision for Garments designed for rainwear, hunting, fishing, or similar uses: * * * Other, in *item 376.56, TSUS*. Bureau letter dated February 17, 1970. (474.5)

(T.D. 70-61)

Antidumping proceeding notice—Customs Regulations amended

Section 53.30(d), relating to publication of name of person outside of the Customs Service who raised or presented the question of dumping, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 53—ANTIDUMPING

In order to provide greater flexibility in determining the form of antidumping proceeding notices, section 53.30(d), Customs Regulations, is amended by deleting the word "shall" and substituting therefor the word "may." As revised, section 53.30(d) shall read as follows:

(d) A summary of the information received. If a person outside the Customs Service raised or presented the question of dumping, his name may be included in the notice unless a determination under section 53.23 requires that his name not be disclosed.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

Effective Date. This amendment shall become effective on the date of its publication in the Federal Register.

(643.3)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved March 5, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register March 11, 1970 (35 F.R. 4326)]

(T.D. 70-62)

Presidential Proclamation—Sheet glass

Presidential Proclamation No. 3967 extending increased duties on imports of sheet glass

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 6, 1970.

There is published below Presidential Proclamation No. 3967 of February 27, 1970, which extends the increased rates of duty on sheet glass provided for in items 923.31 through 923.35 and items 923.71 through 923.75, Appendix to the Tariff Schedules of the United States.

The increased duties on these products are scheduled for staged reductions and apply to articles entered, or withdrawn from warehouse, for consumption during the period beginning on February 27, 1970, and ending at the close of January 31, 1974.

(012)

ROBERT V. McINTYRE,
Assistant Commissioner of Customs.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended, the President, by Proclamation No. 2761A of December 16, 1947, No. 2929 of June 2, 1951, and No. 3140 of June 13, 1956 (61 Stat. (pt. 2) 1103, 65 Stat. c12, and 70 Stat. c33), proclaimed such modifications of existing duties as were found to be required or appropriate to carry out trade agreements into which he had entered;

2. WHEREAS among the proclaimed modifications were modifications in the rates of duty on glass of the kinds which are now provided for in items 542.11-.98 of the Tariff Schedules of the United States (hereinafter referred to as "sheet glass");

3. WHEREAS, pursuant to section 7 of the Trade Agreements Extension Act of 1951 and in accordance with Article XIX of the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786, the President by Proclamation No. 3455 of March 19, 1962 (76 Stat. 1454), as modified by Proclamation No. 3458 of March 27, 1962 (76 Stat. 1457), proclaimed, effective after the close of business June 17, 1962, and until the President otherwise proclaimed, increased duties on imports of sheet glass;

4. WHEREAS, after compliance with the requirements of Section 102 of the Tariff Classification Act of 1962 (76 Stat. 73), the President by Proclamation No. 3548 of August 21, 1963 (77 Stat. 1017), proclaimed,

effective on and after August 31, 1963, the Tariff Schedules of the United States (TSUS), which reflected, with modifications, and, in effect, supersedes, Proclamation No. 3455 by providing for the increased duties on imports of sheet glass in Subpart A of Part 2 of the Appendix to the TSUS;

5. WHEREAS, pursuant to section 351(c)(1)(A) of the Trade Expansion Act of 1962 (19 U.S.C. 181(c)(1)(A)) and in accordance with Article XIX of the General Agreement on Tariffs and Trade, the President by Proclamation No. 3762 of January 11, 1967 (81 Stat. 1076), terminated the increased duties on imports of certain sheet glass, and reduced the increased duties on other sheet glass.

6. WHEREAS, pursuant to section 351(c)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 181(c)(2)) and in accordance with Article XIX of the General Agreement on Tariffs and Trade, the President by Proclamation No. 3816 of October 11, 1967 (81 Stat. 1139) and Proclamation No. 3951 of December 24, 1969 (34 F.R. 20381), extended the remaining increased rates of duty on imports of sheet glass provided for in Subpart A of Part 2 of the Appendix to the TSUS to the close of March 31, 1970;

7. WHEREAS the United States Tariff Commission has submitted to me a report of its Investigation No. TEA-I-15 under section 301(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1901(b)), on the basis of which investigation and a hearing duly held in connection therewith the members of said Commission divided, with respect to sheet glass, into two groups composed of an equal number of Commissioners, one group being unanimously agreed that sheet glass is, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause serious injury to the domestic industry producing like or directly competitive articles; and the other group being unanimously agreed that sheet glass is not, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive articles;

8. WHEREAS under the authority of section 330(d)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1330(d)(1)), I consider the affirmative finding of the first group of Commissioners as the finding of the Tariff Commission with respect to injury; and

9. WHEREAS I have determined that the rates of duty hereinafter proclaimed are, when coupled with adjustment assistance hereinafter provided, necessary to remedy serious injury to the sheet glass industry;

NOW THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including sections 201(a)(2), 302(a)(2) and (3), and 351(a)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(2), 19 U.S.C. 1902(a)(2) and (3), and 1981(a)(1)), and in accordance with Article XIX of the General Agreement on Tariffs and Trade, do proclaim that—

1. The tariff concessions on sheet glass in Part I of Schedule XX to the General Agreement on Tariffs and Trade shall continue to be modified in part as provided for a paragraph 2 below;

2. Effective with respect to articles entered, or withdrawn from warehouse, for consumption during the period commencing on the date of this proclamation and terminating at the close of January 31, 1974, so much of Subpart A of Part 2 of the Appendix to the TSUS as follows item 922.50 and precedes item 924.00 is modified to read as set out in the annex to this proclamation; and

3. Provision is hereby made, with respect to the sheet glass industry, that: (a) its firms may request the Secretary of Commerce for certifications of eligibility to apply for adjustment assistance under Chapter 2 of Title III of the Trade Expansion Act of 1962; and (b) its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under Chapter 3 of Title III of the Trade Expansion Act of 1962.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of February in the year of our Lord nineteen hundred and seventy, and of the Independence of the United States of America the one hundred and ninety-fourth.

RICHARD NIXON.

ANNEX

		Effective on and after—			
		Feb. 27, 1970	Jan. 31, 1972	Jan. 31, 1973	
	Glass (including blown or drawn glass, but excluding cast or rolled glass and excluding pressed or molded glass) (whether or not containing wire netting), in rectangle, not ground, not polished and not otherwise processed, weighing over 16 oz. but not over 28 oz. per sq. ft., provided for in items 542.31-35, inclusive, and 542.71-75, inclusive, of part 3B of schedule 5:				
	Ordinary glass:				
	Weighing over 16 oz. but not over 28 oz. per sq. ft.:				
923.31	Measuring not over 40 united inches (item 542.31).	1.1¢ per lb.	1¢ per lb.	0.9¢ per lb.	No change
923.33	Measuring over 40 but not over 60 united inches (item 542.33).	1.5¢ per lb.	1.3¢ per lb.	1.1¢ per lb.	No change
923.35	Measuring over 60 but not over 100 united inches (item 542.35).	1.5¢ per lb.	1.4¢ per lb.	1.3¢ per lb.	No change
	Colored or special glass:				
	Weighing over 16 oz. but not over 28 oz. per sq. ft.:				
923.71	Measuring not over 40 united inches (item 542.71).	1.1¢ per lb. + 2.5% ad val.	1¢ per lb. + 2.5% ad val.	0.9¢ per lb. + 2.5% ad val.	No change
923.73	Measuring over 40 but not over 60 united inches (item 542.73).	1.5¢ per lb. + 2.5% ad val.	1.3¢ per lb. + 2.5% ad val.	1.1¢ per lb. + 2.5% ad val.	No change
923.75	Measuring over 60 but not over 100 united inches (item 542.75).	1.5¢ per lb. + 2.5% ad val.	1.4¢ per lb. + 2.5% ad val.	1.3¢ per lb. + 2.5% ad val.	No change

(T.D. 70-63)

*Revocation of customhouse broker's license No. 47 issued to
J. W. Tarver, Savannah, Georgia*

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 10, 1970.

Notice is hereby given that in a decision dated February 26, 1970, the Secretary of the Treasury, pursuant to section 641, Tariff Act of 1930, as amended, revoked customhouse broker's license No. 47 issued to J. W. Tarver on or about September 17, 1930, for customs district No. 17, Georgia (now the customs district of Savannah, Georgia). The Secretary's decision is effective as of February 26, 1970.

This notice is published pursuant to section 31.74, Customs Regulations (19 CFR 31.74).

(346.11)

MYLES J. AMBROSE,
Commissioner of Customs.

[Published in the Federal Register March 17, 1970 (35 F.R. 4652)]

(T.D. 70-64)

Bonds

Approval and discontinuance of consolidated aircraft bonds (air carrier blanket bonds), Customs Form 7605

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 10, 1970.

The following consolidated aircraft bonds have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the surety was different on the previous bond, the information is shown in a footnote at end of list.

Name of principal and surety	Date of bond	Date of approval	Filed with district director of customs; amount
Hi-Air, Inc., 2451 Democrat Rd., Memphis, Tenn.; Fidelity & Deposit Co. of Md. PB(11-27-68) D 2-25-70 ¹	Jan. 1, 1970	Feb. 26, 1970	New Orleans, La.; \$100,000

¹ Surety is Great American Ins. Co.

The foregoing principal has not been designated as a carrier of bonded merchandise.

(232.1)

ROBERT V. MCINTYRE,
*Assistant Commissioner,
Office of Regulations and Rulings.*

(T.D. 70-65)

Bonded Carriers

Approval and discontinuance of carrier bonds, Customs Form 3587

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 10, 1970.

Bonds of carriers for the transportation of bonded merchandise have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at end of list.

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
All Cargo Transport Inc., Foot of 57th St., Hudson River, Weehawken, N.J., motor carrier; St. Paul Fire & Marine Ins. Co.	Feb. 3, 1970	Feb. 5, 1970	New York, N.Y.; \$50,000
Atkinson Freight Lines, Inc., 4450 Rising Sun Ave., Philadelphia, Pa., motor carrier; Fireman's Fund Ins. Co.	Dec. 31, 1969	Jan. 28, 1970	Philadelphia, Pa.; \$25,000
Atlantic PipeLine Co., 260 S. Broad St., Philadelphia, Pa., pipe line; Federal Ins. Co. PB(8-28-69) D 1-22-70	Dec. 16, 1969	Jan. 22, 1970	Philadelphia, Pa.; \$50,000
Black Ball Freight Service, Pier 30, Seattle, Wash., motor carrier; St. Paul Fire & Marine Ins. Co.	Feb. 25, 1970	Feb. 25, 1970	Seattle, Wash.; \$25,000
W. T. Byrns Motor Express, Inc., 646 Coffeen St., Watertown, N.Y., Agricultural Ins. Co. D 1-8-70	Jan. 8, 1966	Jan. 8, 1966	Ogdensburg, N.Y.; \$25,000
Canadian Great Western Express Ltd., 360 Dawson Rd., Winnipeg, Manitoba, Can., motor carrier; Continental Ins. Co. PB(10-21-64) D 2-24-70 ¹	Feb. 15, 1969	Feb. 24, 1970	Detroit, Mich.; \$25,000
Canton Railroad Co., 300 Water St., Baltimore, Md., rail carrier; Maryland Casualty Co. PB(12-29-41) D 12-28-69 ²	Dec. 29, 1969	Dec. 29, 1969	Baltimore, Md.; \$100,000
Central Cartage Co., 3399 E. McNichols Rd., Detroit, Mich., motor carrier; The Travelers Indemnity Co. PB(1-20-64) D 2-5-70	Feb. 3, 1970	Feb. 5, 1970	Detroit, Mich.; \$25,000
China Airlines, Ltd., 391 Sutter St., San Francisco, Calif., air carrier; Argonaut Ins. Co.	Jan. 30, 1970	Jan. 30, 1970	San Francisco, Calif.; \$100,000
L. G. DeWitt, Inc. (a Fla. corp.), Pompano Beach, Fla., motor carrier; Ins. Co. of North America D 2-4-70	Nov. 18, 1968	Dec. 5, 1968	Wilmington, N.C.; \$25,000
L. G. DeWitt, Inc. (a N.C. corp.), Ellerbe, N.C., motor carrier; Ins. Co. of North America D 2-4-70	Nov. 18, 1968	Dec. 5, 1968	Wilmington, N.C.; \$25,000
Di Salvo Trucking Co., 800 Phelps St., San Francisco, Calif., motor carrier; The Aetna Casualty & Surety Co. PB(2-23-68) D 2-19-70 ³	Jan. 1, 1970	Jan. 26, 1970	San Francisco, Calif.; \$25,000
Drum Transport, Inc., Box 2056, East Peoria, Ill., motor carrier; Transport Indemnity Co. D 2-9-70	Feb. 9, 1966	Feb. 21, 1966	Chicago, Ill.; \$75,000
Film Service, Inc., 333 N. 23th St., Milwaukee, Wis., motor carrier; St. Paul Fire & Marine Ins. Co.	Dec. 1, 1969	Feb. 2, 1970	Milwaukee, Wis.; \$25,000
Freeport Transport Inc., 1200 Butler Rd., Freeport, Pa., motor carrier; St. Paul Fire & Marine Ins. Co. PB(5-5-67) D 1-8-70 ⁴	Jan. 8, 1970	Jan. 8, 1970	Buffalo, N.Y.; \$25,000
General Highway Express, Inc., 2021 Campbell Rd., Sidney, Ohio, motor carrier; Fireman's Fund Ins. Co.	Jan. 28, 1970	Feb. 20, 1970	Cleveland, Ohio; \$25,000
George's Transportation Co., Inc., 1501 Ridgley St., Baltimore, Md., motor carrier; Fidelity & Deposit Co. of Md. D 2-14-70	May 1, 1968	May 1, 1968	Baltimore, Md.; \$25,000
Gordons Transports, Inc., 185 W. McLemore Ave., Memphis, Tenn., motor carrier; Federal Ins. Co. PB(3-7-50) D 1-29-70 ⁵	Oct. 23, 1969	Jan. 29, 1970	New Orleans, La.; \$25,000
Hall's Fast Motor Freight, Inc., 330 Oak Tree Ave. S., Plainfield, N.J., motor carrier; The Aetna Casualty & Surety Co. PB(1-27-66) D 1-27-70 ⁶	Jan. 27, 1970	Jan. 27, 1970	New York, N.Y.; \$25,000

See footnotes at end of table.

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
Harris Express, Inc., 1425 N. Tryon St., Charlotte, N.C., motor carrier; Liberty Mutual Ins. Co. D 2-3-70	Sept. 25, 1963	Oct. 1, 1963	Wilmington, N.C.; \$25,000
Hartman Transportation Co., Inc., 845 William T. Morrissey Blvd., Dorchester, Mass., motor carrier; New Hampshire Ins. Co. PB(2-1-64) D 2-13-70 ¹	Feb. 13, 1970	Feb. 13, 1970	Boston, Mass.; \$25,000
Coast Transport, Inc., 1906 S. E. 10th Ave., Portland, Ore., motor carrier; Transport Indemnity Co. PB(1-19-68) D 1-5-70 ¹	Dec. 19, 1969	Jan. 5, 1970	Portland, Ore.; \$25,000
Horne Heavy Hauling, Inc., 1124 DeKalb Ave., N. E., Atlanta, Ga., motor carrier; St. Paul Fire & Marine Ins. Co.	Feb. 3, 1970	Feb. 6, 1970	Savannah, Ga.; \$25,000
Humble Oil & Refining Co., P.O. Box 411, Baton Rouge, La., water carrier; The American Ins. Co.	Aug. 29, 1969	Feb. 3, 1970	New Orleans, La.; \$50,000
Hyman Freightways, Inc., 2690 Briar Ave. N., St. Paul, Minn., motor carrier; Fireman's Fund Ins. Co.	Nov. 10, 1969	Jan. 30, 1970	Minneapolis, Minn.; \$30,000
Nationwide Carriers, Inc., Maple Plain, Minn., motor carrier; New Hampshire Ins. Co. D 2-24-70	Dec. 27, 1968	Jan. 20, 1969	Minneapolis, Minn.; \$25,000
Ross Neely Express, Inc., P.O. Box 2290, Birmingham, Ala., motor carrier; The Aetna Casualty & Surety Co. PB(10-17-68) D 2-13-70 ¹	Jan. 1, 1970	Feb. 13, 1970	Mobile, Ala.; \$25,000
North American Van Lines Canada, Ltd., P.O. Box 339, Pickering, Ont., Can., motor carrier; Globe Indemnity Co. PB(6-18-56) D 1-27-70 ¹⁰	Sept. 26, 1969	Jan. 27, 1970	Buffalo, N.Y.; \$10,000
North State Motor Lines, Inc., (N.C. corp.), Rocky Mount, N.C., motor carrier; Pennsylvania National Mutual Casualty Ins. Co.	Feb. 4, 1970	Feb. 5, 1970	Wilmington, N.C.; \$25,000
Rand Express Freight Lines, Inc., 1110 Rutherford Ave., Lyndhurst, N.J., motor carrier; Globe Indemnity Co. D 2-13-70	Aug. 28, 1957	Jan. 29, 1958	New York, N.Y.; \$25,000
Republic Truck Lines, Inc., 207 W. Avery St., Dallas, Tex., motor carrier; Hartford Accident & Indemnity Co. PB(3-3-68) D 2-13-70 ¹¹	Jan. 22, 1970	Feb. 13, 1970	Houston, Tex.; \$25,000
Emile Seguin, 437 Commissioner's St., E. Montreal, Quebec, Can., motor carrier; Fidelity & Deposit Co. of Md. D 2-13-70	Feb. 6, 1962	Feb. 16, 1962	Ogdensburg, N.Y.; \$10,000
Thrun Truck Lines, Inc., 2690 Prior Ave. N., St. Paul, Minn., motor carrier; Fireman's Fund Ins. Co. D 1-30-70	June 12, 1967	June 16, 1967	Minneapolis, Minn.; \$30,000
Trans Western Express, Inc., 5940 N. Basin St., Portland, Ore., motor carrier; Transport Indemnity Co.	Feb. 9, 1970	Feb. 16, 1970	Portland, Ore.; \$25,000
Yellowbird Motor Lines, Inc., 16 Endicott St., Quincy, Mass., motor carrier; Hartford Accident & Indemnity Co.	Dec. 11, 1969	Feb. 11, 1970	Boston, Mass.; \$25,000

¹ Surety is Firemen's Ins. Co. of Newark, N.J.² " " U.S. Guaranty Co.³ " " Fireman's Fund Ins. Co.⁴ " " Liberty Mutual Ins. Co.⁵ " " U.S. Fidelity & Guaranty Co.⁶ " " Fidelity & Deposit Co. of Md.⁷ " " Fidelity & Deposit Co. of Md.

Footnotes continued on following page.

Footnotes continued from previous page.

⁹ Principal is Home Transfer & Storage Co.

¹⁰ Surety is Liberty Mutual Ins. Co.

¹¹ " " U.S. Fidelity & Guaranty Co.

¹² Principal is C. S. Ludwick dba Republic Truck Lines; Surety is Western Surety Co.

(241.2)

ROBERT V. McINTYRE,
*Assistant Commissioner,
Office of Regulations and Rulings.*

(T. D. 70-66)

Synopses of Drawback decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 9, 1970.

The following are synopses of drawback rates and amendments issued November 7, 1969, to February 26, 1970, inclusive, pursuant to sections 22.1 and 22.5, inclusive, Customs Regulations; and approval under section 22.6, Customs Regulations.

(731.1)

ROBERT V. McINTYRE,
*Assistant Commissioner,
Office of Regulations and Rulings.*

(A) *Boats, pleasure.*—Manufactured under section 1313(g) by Glastron Boat Co., Austin, Tex., with the use of imported marine engines and outdrives.

Rate effective on articles manufactured on and after November 1, 1969, and exported on and after November 17, 1969.

Manufacturer's statement of December 9, 1969, forwarded to regional commissioners of customs, San Francisco, Calif., and Houston, Tex., February 20, 1970.

(B) *Bobbins, cigarette paper, plug wrap.*—Manufactured under section 1313(b) by Ecusta Paper Div., Olin Corp., Pisgah Forest, N.C., with the use of master rolls of plug wrap cigarette paper.

Rate effective on articles manufactured and exported on and after October 20, 1966.

Manufacturer's statement of October 31, 1969, forwarded to regional commissioner of customs, Miami, Fla., January 15, 1970.

(C) *Chain saws, painted*.—Manufactured under section 1313(a) by Homelite, Div. of Textron Inc., Byram, Conn., at its factory located at Gastonia, N.C., with the use of imported paint.

Rate effective on articles manufactured and exported on and after April 1, 1968.

Rate issued by regional commissioner of customs, New York, N.Y., December 11, 1969.

(D) *Cocktail mixes, instant dry*.—T.D. 53622-D, as amended, covering cocktail mixes manufactured under section 1313(b) by Holland House Brands, Inc., Ridgefield, N.J., with the use of liquid refined sugar, further *amended* to cover instant dry cocktail mixes manufactured by the company under section 1313(b) with the use of hard refined sugar.

Amendment effective on articles manufactured and exported on and after June 16, 1969.

Supplemental statement of October 3, 1969, forwarded to regional commissioner of customs, New York, N.Y., February 16, 1970.

(E) *Dodecyl pentadecyl methacrylate*.—T.D. 56488-A, as amended by T.D.'s 56519-G and 68-248-A, covering acrylic products manufactured under section 1313(b) by Rohm and Haas Co., Philadelphia, Pa., at its various factories with the use of acetone, further *amended* to cover dodecyl pentadecyl methacrylate manufactured by the company under section 1313(b) at its factories located at Bristol, Pa., and Deer Park, Tex., with the use of acetone.

Amendment effective on articles manufactured and exported on and after February 14, 1969.

Supplemental statement of August 7, 1969, forwarded to regional commissioner of customs, Baltimore, Md., January 16, 1970.

(F) *Esters, iso propyl-butyl*.—Manufactured under section 1313(b) by The Dow Chemical Co., Midland, Mich., with the use of 2,4-D mixed butyl esters.

Rate effective on articles manufactured on and after April 1, 1966, and exported on and after May 23, 1966.

Manufacturer's statements of December 10, 1968, and May 5, 1969, forwarded to regional commissioner of customs, Chicago, Ill., February 10, 1970.

(G) *Fabric, acetate tricot*.—Manufactured under section 1313(b) by Celanese Corp., New York, N.Y., at its Bridgewater, Va., factory with the use of acetate filament yarn.

Rate effective on articles manufactured and exported on and after July 5, 1968.

Manufacturer's statement of October 9, 1969, forwarded to regional commissioners of customs, New York, N.Y., and Baltimore, Md., January 13, 1970.

(H) *Galbestos, Q-floor, and Q-deck.*—T.D. 55972-N covering metal roofing and/or siding manufactured under section 1313(a) by H. H. Robertson Co., Ambridge, Pa., with the use of imported iron or steel sheet in coils, *amended* to cover Galbestos, Q-floor, and Q-deck manufactured by the company under section 1313(b) with the use of hot and cold rolled sheet steel.

Amendment effective on articles manufactured on and after April 15, 1968, and exported on and after April 25, 1968.

Manufacturer's statements of October 8, 1968, and July 16, 1969, forwarded to regional commissioners of customs, Baltimore, Md.; Boston, Mass.; and Chicago, Ill., January 20, 1970.

(I) *Parts, automobile, fabricated metal.*—Manufactured under section 1313(b) by Modern Tool & Die Co., Cleveland, Ohio, at its factories located at Liverpool Industrial Park, Parma, and Willard, Ohio, with the use of hot rolled, pickled and oiled; cold rolled; and galvanized coil or sheet steel.

Rate effective on articles manufactured and exported on and after February 9, 1968.

Manufacturer's statements of February 5, 1969, and December 30, 1969, forwarded to regional commissioner of customs, Chicago, Ill., January 28, 1970.

(J) *Piece goods, bleached, dyed, bleached and dyed, or redyed.*—Manufactured under section 1313(b) by V.T.M. Finishing Corp., Paterson, N.J., with the use of cotton, synthetic or blended synthetic and cotton piece goods in the grey, bleached, dyed, or bleached and dyed.

Rate effective on articles manufactured and exported on and after June 1, 1965.

Manufacturer's statement of December 17, 1969, forwarded to regional commissioner of customs, New York, N.Y., January 30, 1970.

(K) *Piece goods, flocked.*—Manufactured under section 1313(a) by Velourit Co., Inc., New York, N.Y., at its factory located at Hoboken, N.J., with the use of imported or drawback piece goods.

Rate effective on articles manufactured and exported on and after August 4, 1969.

Rate issued by regional commissioner of customs, New York, N.Y., December 23, 1969.

(L) *Pigments; printing inks and paints.*—Pigments manufactured under section 1313(b) by Switzer Bros., Inc., Cleveland, Ohio, which changed its name to Day-Glo Color Corp., with the use of melamine and rhodamine, and on printing inks and paints manufactured with the use of pigments manufactured hereunder.

Rate effective on articles manufactured on and after May 24, 1965, and exported on and after May 28, 1965, by Switzer Bros., Inc., and on those articles manufactured and exported by the Day-Glo Color Corp., on and after February 3, 1969, date of the change in name.

Manufacturer's statements of June 24, 1966, August 1, 1967, December 11, 1968, and June 11, 1969, forwarded to regional commissioner of customs, Chicago, Ill., December 23, 1969.

(M) *Pipes, exhaust and tail; and mufflers for automobiles, trucks, and tractors.*—Manufactured under section 1313(b) by Oldberg Manufacturing Co., Toledo, Ohio, at its factories located at Grand Haven and Pinconning, Mich., and Toledo and Youngstown, Ohio, with the use of hot rolled, cold rolled, and galvanized sheet steel.

Rate effective on articles manufactured on and after September 25, 1968, and exported on and after January 2, 1969.

Manufacturer's statement of September 17, 1969, forwarded to regional commissioner of customs, Chicago, Ill., December 29, 1969.

(N) *Plasticizers.*—Manufactured under section 1313(b) by United States Steel Corp., Pittsburgh, Pa., at its Neville Island, Pittsburgh, Pa., factory with the use of phthalic anhydride.

Rate effective on articles manufactured on and after January 1, 1969, and exported on and after June 1, 1969.

Manufacturer's statement of October 8, 1969, forwarded to regional commissioner of customs, New York, N.Y., February 26, 1970.

(O) *Platinum impregnated alumina catalysts.*—T.D. 43635-Q, as amended and extended, and particularly as amended by T.D. 53770-D, covering, among other things, melamine (a plastic material) manufactured under the provisions of section 1313(a) by American Cyanamid Co., Wayne, N.J., with the use of imported dicyandiamide, further amended to cover platinum impregnated alumina catalysts manufactured by the company at its Willow Island, W. Va., and Marietta, Ohio, factories under section 1313(b) with the use of un-platinized (activated) alumina extrudate (aluminum oxide).

Amendment effective on articles manufactured on and after November 22, 1965, and exported on and after November 23, 1965.

Supplemental statement of September 29, 1969, forwarded to regional commissioner of customs, New York, N.Y., January 30, 1970.

(P) *Polystyrene molding compound (Lustron), crystal and colored.*—T.D. 50560-J, as amended, and as amended particularly by T.D.'s 51663-K and 55325-F, covering, among other things, polystyrene molding compound (Lustron), crystal and colored, manufactured under section 1313(a) by Monsanto Co., St. Louis, Mo., with the use of styrene polymer, further *amended* to cover the foregoing products manufactured under section 1313(b) by the above company at its Long Beach, Calif.; Springfield, Mass.; Trenton, Mich.; Kenilworth, N.J.; and Addyston, Ohio, factories with the use of rubber containing polymers.

Amendment effective on articles manufactured and exported on and after May 8, 1966.

Manufacturer's statements of December 5, 1967, May 20, 1968, and November 17, 1969, forwarded to regional commissioner of customs, New York, N.Y., January 15, 1970.

(Q) *Ramrod technical flakes (propachlor flakes).*—T.D. 68-248-U, covering ramrod 20 G manufactured under section 1313(b) by Monsanto Co., St. Louis, Mo., at its Muscatine, Iowa, factory with the use of N-Isopropylaniline, *amended* to cover ramrod technical flakes (propachlor flakes) manufactured under section 1313(b) with the use of N-Isopropylaniline.

Amendment effective on articles manufactured and exported on and after January 31, 1967.

Manufacturer's statement of September 2, 1969, forwarded to regional commissioner of customs, Chicago, Ill., December 23, 1969.

(R) *Rubber, synthetic.*—Manufactured under section 1313(b) by Texas-U.S. Chemical Co., Port Neches, Tex., with the use of butadiene and extender oils.

Rate effective on articles manufactured on and after March 1, 1963, and exported on and after March 15, 1963.

Manufacturer's statement of September 22, 1969, forwarded to regional commissioner of customs, Baltimore, Md., December 29, 1969.

(S) *Tires, pneumatic.*—T.D. 69-74-L, covering pneumatic inner tubes and curing bladders manufactured under section 1313(b) by The Armstrong Rubber Co., West Haven, Conn., at its factories located at West Haven, Conn., Natchez, Miss.; Des Moines, Iowa; Hanford, Calif.; and Little Rock, Ark., with the use of butyl synthetic rubber, *amended* to cover pneumatic tires manufactured by the company under section 1313(b) at its above factories with the use of styrene butadiene rubber.

Amendment effective on articles manufactured on and after January 1, 1968, and exported on and after September 6, 1968.

Manufacturer's supplemental statement of November 4, 1969, forwarded to regional commissioner of customs, Boston, Mass., December 30, 1969.

(T) *Tubes, boiler, steel; boiler tube panels.*—T.D. 49187-E, as amended, and particularly as amended by T.D. 67-53-E, covering, among other things, heat exchangers, iron or steel floating head covers, steam generators, and partially finished boiler drums manufactured under section 1313(a) by Foster Wheeler Corp., Livingston, N.J., at its various factories with the use of imported aluminum bronze tubes, rough iron or steel castings, finished floating head covers, metal tubes, and cylindrical steel tanks, further *amended* to cover steel boiler tubes and boiler tube panels manufactured by the company under section 1313(b) at its factories located at Dansville, N.Y., and Mountaintop, Pa., with the use of electric resistance welded and seamless carbon steel tubes and seamless alloy steel tubes.

Amendment effective on articles manufactured and exported on and after January 2, 1965.

Manufacturer's statements of December 9, 1968, and August 19, 1969, forwarded to regional commissioner of customs, New York, N.Y., December 24, 1969.

(U) *Wrist watches, watch heads, watches, and traveling clocks.*—T.D. 52358-L, as amended, covering, among other things, wrist watches manufactured under section 1313(a) by Benrus Watch Co., Inc., Ridgefield, Conn., with the use of imported watch movements and heads, further *amended* to cover such articles manufactured at the said factory by Benrus Corp., Ridgefield, Conn., *successor*.

Amendment effective on articles exported on and after December 20, 1968, date of succession.

Amendment issued by regional commissioner of customs, New York, N.Y., November 7, 1969.

(V) *Machinery, non-military type, automotive mining.*—T.D. 68-23-H, as amended by T.D. 68-101-H, covering the foregoing articles manufactured under section 1313(a) by the Eimco Corp., Salt Lake City, Utah, with the use of air-cooled diesel engines, tire chains, air starters and electric retarders, *amended* to cover such machinery manufactured by the said corporation with the use of radial steel cord tires.

Amendment effective on articles manufactured on and after June 30, 1967, and exported on and after July 21, 1967.

Amendment issued by regional commissioner of customs, San Francisco, Calif., December 15, 1969.

(1) *Petroleum products*.—Manufactured under section 1313(b) by Ashland Oil & Refining Co., Inc., Ashland, Ky., at its various refineries with the use of crude petroleum.

Approval effective on articles manufactured and exported on and after July 1, 1963.

Statements of November 5, 1968, and December 12, 1969, forwarded to regional commissioner of customs, Chicago, Ill., January 5, 1970.

(T.D. 70-67)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 12, 1970.

The following abstracts of the Bureau of Customs decisions of general interest are published as a matter of information and guidance.
(133.121)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

TARIFF CLASSIFICATION

T.D. 70-67(1) *Asbestos and asbestos products. Asbestos yarn*.—Asbestos yarn, containing two strands of brass wire and 25/30 percent cotton carrier or synthetic staple used for brake lining and clutch facing in automotive and other applications, is classifiable under the provision for Yarn, slivers, rovings, wick, rope, cord, cloth, tape, and tubing, of asbestos, or of asbestos and any other spinnable fiber, with or without wire, in *item 518.21, TSUS*. Bureau letter dated February 10, 1970. (445.322)

T.D. 70-67(2) *Combination toilet articles. Plastic haircutter*.—Haircutter, consisting of a six-sided, flat, molded piece of plastic, three sides of which measure approximately 1½ inches with straight edges and the remaining edges having teeth, two of which have razor blades in between for hair cutting purposes, classifiable under the provision for Combination toilet articles which contain combs, brushes, or combs and brushes, as integral parts, in *item 750.75, TSUS*. Bureau letter dated February 20, 1970. (424.11)

T.D. 70-67(3) *Electric heating apparatus, space. Windshield defroster*.—A windshield defroster consisting of a wire heated by elec-

trical energy taken from the car battery through an electrical cord plugged into the cigarette lighter, with a metal plate to radiate the heat onto the windshield, is classifiable under the provision for Electric space heating apparatus * * *: Other: * * *: Other, in *item 684.50*, TSUS. Bureau letter dated February 16, 1970. (433.3)

T.D. 70-67(4) Firearms. Syringe weapon.—A syringe weapon which is a rifle designed to propel only syringes containing drugs to immobilize wild animals temporarily for various purposes, classifiable under the provision for Other firearms * * * and any devices similar thereto, which expend, or operate by means of, an explosive charge * * *: Other, in *item 730.81*, TSUS. Bureau letter dated February 19, 1970. (426.83)

T.D. 70-67(5) Glass household articles. "Early American" milk bottles.—Reproductions of "Early American" milk bottles made of clear, uncolored glass and fitted with an airtight clamp ceramic stopper and rubber washer seal, are not chiefly used for the packing, transporting, or marketing of merchandise, and are classifiable under the provision for Household articles * * * nspf: Glassware * * *: Other glassware: * * * Other: Valued not over \$0.30 each, in *item 546.52*, TSUS. These bottles made of amber-color glass and having a distribution of bubbles, seeds, or stones, classifiable under the provision for Glassware * * * colored prior to solidification, and characterized by random distribution of numerous bubbles, seeds, or stones throughout the mass of the glass, in *item 546.35*, TSUS. Bureau letter dated February 19, 1970. (443.4)

T.D. 70-67(6) Machines, paper, paperboard, or pulp making processing, or finishing machines, and machines for making them up into articles. Folding and gluing machines.—High-speed carton-folding and gluing machine and a window-patch applying and lining machine, classifiable under the provision for Machines for * * * processing or finishing * * * paperboard, or making them up into articles: * * * Other, in *item 668.02*, TSUS. Bureau letter dated February 20, 1970. (434.3)

T.D. 70-67(7) Machine parts, vending, automatic. Multi-purpose unit.—Plastic components of key operated vending units, used in hotel and motel rooms in dispensing soft drinks, alcoholic beverages, and other food, equipped with a refrigeration unit on one side, products to be purchased on the other; and designed so that purchases are electrically registered and charged against the bills of guests, classifiable under the provision for Automatic vending machines, and parts thereof, in *item 678.40*, TSUS, and not under the provision for Machines nspf, and parts thereof, in *item 678.50*, TSUS. *Headnote 2*,

Schedule 6, Part 4, inapplicable because machines with which such components are used do not constitute multi-purpose machines. Bureau letter dated February 16, 1970. (434)

T.D. 70-67(8) Monofilaments. Nylon yarn.—Man-made monofilament yarn, in continuous form, not over 0.06 inch in diameter, and of less than 150 denier, is classifiable under the provision for Monofilaments (in continuous form), with or without twist, whether known as monofils, artificial horsehair, artificial straw, yarns, or by any other name: Not over 150 denier, in *item 309.02 or 309.03*, TSUS, according to value per pound. *Schedule 3, Part 1, Subpart E, Headnote 3(b)*, defining the term "monofilaments," noted. Bureau letter dated February 17, 1970. (474.511)

T.D. 70-67(9) Shaft couplings. Classification principles: "entireties," "tariff entities."—Chain couplings (roller chain shaft couplings) consisting of housings containing 2 shaft end pieces with sprocket wheels affixed and short lengths of double roller chain wrapped around the sprocket wheels and fastened firmly into position, classifiable as entireties under the provision for Shaft couplings, in *item 680.50*, TSUS. Bureau letter dated February 20, 1970. (423.379)

T.D. 70-67(10) Shellfish. Mussels.—Mussels are shellfish, and canned mussels in brine or in sauce are classifiable under the provision the sprocket wheels and fastened firmly into osition, classifiable as shellfish, in *item 114.45*, TSUS, free of duty. Bureau letter dated February 19, 1970. (453.3)

(T.D. 70-68)

Cotton textiles—Restrictions on entry

Restrictions on certain categories of cotton textiles and cotton textile products manufactured or produced in Mexico

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 13, 1970.

There is published below the directive of February 13, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restrictions on entry into the United States of cotton textiles and cotton textile products in certain categories manufactured or produced in Mexico. This directive amends but does not cancel the directive of April 28, 1969 (T.D. 69-135).

This directive was published in the Federal Register on February 20, 1970 (35 F.R. 3266), by the Interagency Textile Administrative Committee.

(343.3)

MYLES J. AMBROSE,
Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

February 13, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

This directive amends but does not cancel the directive issued to you on April 28, 1969 from the Chairman of the President's Cabinet Textile Advisory Committee, establishing levels for the entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, beginning on May 1, 1969 and extending through April 30, 1970.

The last sentence of the ninth paragraph of that directive which provided, with respect to cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico and which had been exported to the United States from Mexico prior to May 1, 1969 that, "In the event that any level of restraint for the twelve-month period ending April 30, 1969, has been exhausted by previous entries, such goods shall be denied entry" is hereby deleted, to be effective as soon as possible.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of April 28, 1969, you are directed to permit, effective as soon as possible, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or

manufactured in Mexico and which have been exported to the United States prior to May 1, 1969.

To facilitate the administration of the aforementioned bilateral cotton textile agreement, it would be appreciated if you would undertake, commencing as soon as possible and continuing until advised otherwise by letter from the Chairman of the Interagency Textile Administrative Committee to obtain reports on cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico and exported to the United States from Mexico prior to May 1, 1969. These reports should show quantities by entry number and ports of entry and should be submitted weekly. Your cooperation in this matter will be appreciated.

You will also be advised by letter from the Chairman of the Interagency Textile Administrative Committee of any adjustments in the levels of restraint contained in the aforementioned directive of April 28, 1969 which may be necessitated by the entry of goods covered by this directive.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-69)

Cotton textiles—Restriction on entry

Restrictions on certain categories of cotton textile products manufactured or produced in Korea

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 13, 1970.

There is published below the letter of February 17, 1970, received by the Commissioner of Customs from the Interagency Textile Admin-

istrative Committee amending levels of restraint, contained in the President's Cabinet Textile Advisory Committee directive, dated December 15, 1969, applicable to certain cotton textile products manufactured or produced in Korea.

This directive was published in the Federal Register on February 20, 1970 (35 F.R. 3266), by the Interagency Textile Administrative Committee.

(343.3)

MYLES J. AMBROSE,
Commissioner of Customs.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

February 17, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

On December 15, 1969, the Chairman of the President's Cabinet Textile Advisory Committee, directed you, effective January 1, 1970, to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Republic of Korea, and exported to the United States in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments¹ in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph seven (7) of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 15, 1969, the levels of restraint provided in that directive for cotton textile products in Categories 46, 49, 50, 51, 52, 54, and 60, pro-

¹ The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements.

duced or manufactured in the Republic of Korea and exported from the Republic of Korea to the United States, for the period beginning January 1, 1970, and extending through December 31, 1970, are hereby amended as follows, to be effective as soon as possible:

<i>Categories</i>	<i>Amended Twelve-Month Levels of Restraint²</i>
46	29,172 dozen
49	30,388 dozen
50	51,051 dozen
51	69,284 dozen
52	36,465 dozen
54	54,699 dozen
60	31,603 dozen

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

STANLEY NEHMER,
*Chairman, Interagency Textile
Administrative Committee, and
Deputy Assistant Secretary
for Resources*

² These levels have not been adjusted to reflect entries made on or after January 1, 1970.

(T.D. 70-70)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 11, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from February 24 through March 6, 1970,
rate of \$0.285066.

Denmark krone:

February 24, 1970.....	\$0.133370
February 25, 1970.....	.133433
February 26, 1970.....	.133337
February 27, 1970.....	.133350
March 2, 1970.....	.133350
March 3, 1970.....	.133400
March 4, 1970.....	.133400
March 5, 1970.....	.133375
March 6, 1970.....	.133354

Hong Kong dollar:

Official rate of \$0.163750 for the period from February 9 through February 20, 1970, and the following Free rates:

February 9, 1970.....	\$0. No rate
February 10, 1970.....	.165050
February 11, 1970.....	.165084
February 13, 1970.....	.165016
February 16, 1970.....	.165050
February 17, 1970.....	.165118
February 18, 1970.....	.165118
February 19, 1970.....	.165186
February 20, 1970.....	.165118

Iran rial:

For the period from February 16 through February 27, 1970,
rate of \$0.0132443.

Philippine peso :

For the period from February 16 through February 20, 1970, rate of \$0.255000*. For the period February 24 through February 27, 1970, rate temporarily suspended.

Thailand baht (tical) :

For the period from February 16 through February 27, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rate.

(T.D. 70-71)

Antidumping—Aminoacetic acid (glycine) from France

The Secretary of the Treasury makes public a finding of dumping with respect to aminoacetic acid (glycine) from France. Section 53.43, Customs Regulations, amended

TREASURY DEPARTMENT,
Washington, D.C., March 18, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 53—ANTIDUMPING

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that aminoacetic acid (glycine) from France is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on February 17, 1970, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of aminoacetic acid (glycine) sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to aminoacetic acid (glycine) from France.

Section 53.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Aminoacetic acid (glycine)-----	France-----	70-71

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)
(643.3)

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register March 24, 1970 (35 F.R. 5009)]

(T.D. 70-72)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 20, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.
(133.121)

ROBERT V. McINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

TARIFF CLASSIFICATION

T.D. 70-72(1) *Articles of iron or steel, nspf. Flanges.*—Drop forged steel flanges, threaded and with lips protruding in the rear, used with storage tanks and welded to the tank opening so that plugs or pipes may be fitted into the threaded portion of the flanges, classifiable under the provision for Articles of * * * steel, not coated or plated with precious metal: * * *: Other articles: * * * Other, in item 657.20, TSUS. Bureau letter dated February 24, 1970. (423.22)

T.D. 70-72(2) *Articles of mineral substances. Phosphoric acid catalyst.*—A phosphoric acid catalyst, a white pellet consisting of a mixture of phosphoric acid with silica gel, is classifiable under the provision for Articles of mineral substances, nspf: * * * Other: Not decorated, in *item 523.91*, TSUS. Bureau letter dated March 2, 1970. (417.45)

T.D. 70-72(3) *Articles of textile materials, nspf. Pull cords.*—Pull cords for electric lighting fixtures made of cotton twine, imported without metal component parts, or with metal parts but in chief value of cotton, classifiable under the provision for Articles nspf, of textile materials: * * * Other articles not ornamented: Of cotton: * * * Other, in *item 386.50*, TSUS; if in chief value of metal, classifiable under the provision for Articles of steel, not coated or plated with precious metal: * * * Other articles: * * * Other, in *item 657.20*, TSUS. Bureau letter dated February 25, 1970. (471.7)

T.D. 70-72(4) *Articles of wood, nspf. Night light, ship.*—Night light with base of wood, sails of plastic and rigging of braid (9½ inches x 12 inches x 3 inches), in which the lighting feature is not an integral part, but merely inserted in a recess in the rear of the article, classifiable under the provision for Articles nspf, of wood, in *item 207.00*, TSUS. Where accompanied by other insulated electrical conductors with fittings not an integral part of ship, classifiable separately under *item 688.15*, TSUS. Bureau letter dated March 2, 1970. (431.1)

T.D. 70-72(5) *Cotton wadding. Cleaning towel, disposable.*—Cotton wadding in pieces approximately 4 inches square and ¼-inch thick for cleaning printing plates and presses, is classifiable under the provision for Webs, wadding, batting, and nonwoven fabrics, including felts and bonded fabrics, and articles nspf of any one or combination of these products, * * * of textile materials, whether or not coated or filled: * * * Of cotton, in *item 355.02*, TSUS. Bureau letter dated March 4, 1970. (471.621)

T.D. 70-72(6) *Electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus. Moisture meter.*—A moisture meter, a device designed to measure the moisture present in a solid material by conveying a moving material stream over the condenser surface and thereby entering its unhomogeneous field of force, and registering the loss of capacity in H₂O on an indicator, is classifiable under the provision for Electrical measuring * * * instruments and apparatus, * * *: * * *: * * * Other, in *item 712.49*, TSUS. Bureau letter dated February 20, 1970. (426.846)

T.D. 70-72(7) Fertilizer. Anhydrous ammonia.—Liquid anhydrous ammonia, both industrial or commercial and agricultural grades having a minimum purity of 99.5 percent by weight, are chiefly used as fertilizers or as ingredients in the manufacture of fertilizers, and are, therefore, classifiable under the provision for Nitrogenous fertilizers and fertilizer materials, in *item 480.65*, TSUS. Bureau letter dated March 4, 1970. (417.44)

T.D. 70-72(8) Glass products. Small fragments or chippings.—Vitreous opaque chips, in sizes $\frac{3}{16}$ -inch to $\frac{3}{8}$ -inch, $\frac{3}{8}$ -inch to $\frac{5}{8}$ -inch, and $\frac{5}{8}$ -inch to $1\frac{1}{4}$ -inches, composed of the oxides and silicates of calcium, magnesium, manganese, and sodium, used as a ground cover, and in the building trades for decorative stone, classifiable under the provision for Small glass * * * fragments, or chippings, * * * chiefly used for * * * decorative purposes, in *item 540.51*, TSUS. These chips being vitrified, are distinguished from the roofing granules covered by T.D. 56089(76). Bureau letter dated February 25, 1970. (445.4)

T.D. 70-72(9) Heat treatment machinery.—Industrial machinery called "Sorbomats" which are used to recover various organic solvents from waste air or gases and to prevent air pollution, by recovering condensed steam and solvent vapors from solvent-laden air which was first passed over carbon beds to release the solvent-free air, and by alternately using steam and water to vaporize and condense the mixture of steam and solvent vapors in order to reduce the solvent vapor to a reusable liquid state, classifiable under the provision for Industrial machinery * * * for the treatment of materials by a process involving a change in temperature * * *: * * * Other, in *item 661.70*, TSUS. Bureau letter dated March 3, 1970. (434)

T.D. 70-72(10) Hydrocarbons, halogenated. Allyl chloride.—Allyl chloride is classifiable under the provision for Halogenated hydrocarbons: * * * Other: Chlorinated but not otherwise halogenated, in *item 429.47*, TSUS. Bureau letter dated March 3, 1970. (417.0)

T.D. 70-72(11) Knives, pen, pocket, and other knives with folding or other than fixed blades. Blades.—Blades, flat, stainless steel, double-edged, approximately $2\frac{1}{4}$ inches long and $1\frac{1}{4}$ inches wide with a longitudinal slot in the center, chiefly used with holders for manual cutting (industrial purposes), classifiable under the provision for Pen knives, pocket knives, and other knives, all the foregoing which have folding or other than fixed blades or attachments; and blades, * * * and other parts thereof: * * * Blades, in *item 649.85*, TSUS. Bureau letter dated February 24, 1970. (424.123)

T.D. 70-72(12) Luggage. Barracks bag.—Barracks bag, sack-like bag resembling a duffle bag, with braided draw string passing through 8 metal grommets, measuring about 30 inches high and 14 inches in

diameter, made of rubberized textile man-made fabric on the outside and rubber or plastic coating or lamination on the inside, classifiable under the provision for Luggage * * *: * * * Of textile materials * * * whether or not ornamented: * * * Other: * * * Other, in *item 706.24*, TSUS. Bureau letter dated March 2, 1970. (471.7)

T.D. 70-72(13) *Machines, loading, and unloading. Turbo blower.*—Turbo-blower, diesel powered, mounted on wheels, not self propelled, intended for loading and unloading bulk cargoes such as grains, feed-stuffs, salt, and coal onto and from cars, barges, and ocean going vessels, classifiable under the provision for Other lifting, handling, loading, or unloading machinery, * * * not provided for in *item 664.05*, in *item 664.10*, TSUS. Bureau letter dated February 24, 1970. (434.6)

T.D. 70-72(14) *Mirrors, of flat glass. Automobile rear-view mirrors.*—Rear-view mirrors enclosed in plastic case with metal mounting for attachment to automobile interior, classifiable under the provision for Mirrors * * *, with or without frames or cases (except framed or cased mirrors of precious metal, and mirrors designed for use in instruments): Not over 1 sq. ft. in reflecting area, in *item 544.51*, TSUS. If imported separately, the unmounted mirror lens is also classifiable in *item 544.51*, TSUS, and the plastic case, if chiefly used in automobiles, is classifiable under the provision for Parts of the foregoing motor vehicles: * * * Other: * * * Other, in *item 692.27*, TSUS. Bureau letter dated February 25, 1970. (433.3)

T.D. 70-72(15) *Nonenumerated articles. Butterflies, mounted.*—Mounted butterflies on paper or on wooden plaques for display purposes, classifiable according to component material of chief value; if in chief value of the genuine butterfly wings, classifiable under the provision for Any article, not provided for elsewhere in these schedules: * * * Other, in *item 799.00*, TSUS; if in chief value of paper, classifiable under the provision for Articles * * * of paper * * * nspf: * * * Other: * * * Other, in *item 256.90*, TSUS; if in chief value of wood, classifiable under the provision for Articles nspf, of wood, in *item 207.00*, TSUS. Bureau letter dated March 2, 1970. (490)

T.D. 70-72(16) *Ornamented women's wearing apparel. Coat.*—Woman's military-styled short coat with textile tab holding plastic ring hanging from trench-style flaps covering two breast pockets is ornamented within the meaning of *Headnote 3(a)(iv)*, *Schedule 3*, since plastic rings serve no functional purpose, and is classifiable under the provision for Women's * * * wearing apparel, whether or not ornamented * * *: * * * Of man-made fibers, in *item 382.04*, TSUS. Bureau letter dated February 25, 1970. (474.7)

T.D. 70-72(17) *Paper. Typing-error-correcting paper. Dispenser, plastics.*—Paper strips coated on one side, 2½ inches by 1 inch, 12

strips in a plastic dispenser, classifiable under the provision for Other paper * * * cut to size or shape: * * * Other, nsfp, in *item 256.30*, TSUS; plastic dispensers separately classifiable under the provision for Containers, of * * * plastics * * * chiefly used for the packing, transporting, or marketing of merchandise, in *item 772.20*, TSUS; other typing-error-correcting paper, coated on one side, $7\frac{3}{4}$ inches by $5\frac{1}{2}$ inches, partly cut or perforated into 16 smaller correcting strips, each about $2\frac{3}{4}$ inches by 1 inch, classifiable under the provision for Articles * * * of paper * * * nsfp: * * * Other: Of papers, coated, in *item 256.85*, TSUS. *Schedule 2, Part 4, Headnote 2(b)*, defining "cut to size or shape," noted. Bureau letter dated March 2, 1970. (483.3)

T.D. 70-72(18) *Rainwear, textile materials and rubber or plastic.*—Women's raincoats consisting of cotton lace fabric laminated with an outer transparent plastic surface are regarded as textile articles and, as such, are classifiable under the provision for Garments designed for rainwear * * * or similar uses, wholly or almost wholly of fabrics which are coated or filled, or laminated, with * * * plastics, which (after applying Headnote 5 of Schedule 3) are regarded as textile materials: Of cotton, in *item 376.54*, TSUS. Bureau letter dated March 2, 1970. (471.332)

T.D. 70-72(19) *Slide fasteners, and parts thereof. Slide fastener chain.*—Slide fastener chain, in continuous length, consisting of two fabric tapes to which are affixed metal teeth which are interlocked to form a zipper chain, and a continuous chain interrupted at specified lengths with a gap between lengths containing no teeth and fitted with top stops, classifiable under the provision for Slide fasteners, and parts thereof including tapes in continuous lengths but not including tapes wholly of textile fibers: * * * Parts, in *item 745.74*, TSUS. Bureau letter dated February 26, 1970. (426.815)

T.D. 70-72(20) *Syringes, medical, dental, surgical, and veterinary, including hypodermic. Automatic syringes.*—An instrument which provides instantaneous intro-mucosal anaesthesia to a depth of 4 to 6 millimeters, and which is used in the same manner as a syringe except that it uses air pressure rather than a needle, classifiable under the provision for Medical, dental, * * * instruments and apparatus * * *: Other: * * * Syringes, including hypodermic syringes, * * * (except needles), in *item 709.13*, TSUS. Bureau letter dated February 24, 1970. (426.851)

T.D. 70-72(21) *Textile articles nsfp. Polisher, car.*—Car polisher, composed of mop head of cotton yarns attached to a forked plastic handle and impregnated with an oily substance, is classifiable under the provision for Articles nsfp, of textile materials: * * * Other articles, not ornamented: Of cotton: * * * Other, in *item 386.50*,

TSUS, and is not a dustcloth, mop cloth, or polishing cloth within the meaning of *item 385.30*, TSUS. C.D. 3821, noted. Bureau letter dated March 2, 1970. (471.255)

T.D. 70-72(22) *Textile furnishings. Table runner, fringed.*—Table runner of velvet-like material on face side with ornamental insertion, decorative edging, and fringe on each end, is ornamental textile furnishing, classifiable under the provision for Net furnishings made on a lace, net, or knitting machine, whether or not ornamented; and other furnishings, ornamented: * * *, in *item 365.78 or 365.85*, TSUS, according to component fabric of chief value. *Head-note 3(a)(i) and 3(a)(iii)*, *Schedule 3*, noted. Bureau letter dated February 25, 1970. (471.231)

T.D. 70-72(23) *Tools, wood, ns pf. Shohorn.*—Shoehorn, of wood, measuring $13\frac{1}{2}$ inches in length and 4 inches in width, tapering to $3\frac{1}{4}$ inches, classifiable under the provision for Tools * * * of wood: * * * Other, in *item 206.54*, TSUS. Bureau letter dated February 27, 1970. (481.39)

VESSELS

T.D. 70-72(24) *Vessels. Lash-type barges dropped off and taken aboard mother vessel outside the United States.*—Lash-type barges which are dropped off and taken aboard the mother vessel outside United States territorial waters are subject to the usual entry and clearance requirements applicable to vessels in the foreign trade. Bureau letter dated March 3, 1970. (216.131)

(T.D. 70-73)

Supplies and equipment for aircraft—Customs Regulations amended

Sections 10.59 and 10.65, Customs-Regulations, relating to free withdrawal of supplies and equipment for aircraft, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE,
ETC.

Section 309 of the Tariff Act of 1930, as amended, relates to the exemption from duties and internal-revenue taxes in certain circum-

stances on supplies and equipment for certain vessels and aircraft. Subsection (d) of that section provides (1) that the privileges granted by the section and section 317 of the Tariff Act of 1930, as amended, in respect of aircraft registered in a foreign country shall be allowed only if the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found that such foreign country allows, or will allow, substantially reciprocal privileges in respect of aircraft registered in the United States, (2) that such privileges shall not apply when the Secretary of Commerce has advised that a foreign country has or will discontinue the allowance of such privileges.

On the basis of findings and advices received from the Secretary of Commerce, Treasury decisions have been issued extending to the aircraft of foreign countries privileges reciprocal to those found by the Secretary of Commerce to be extended to aircraft registered in the United States.

To incorporate in the regulations a listing of the foreign countries entitled to free withdrawal privileges under sections 309 and 317 of the Tariff Act and the Treasury decisions extending or limiting such privileges, section 10.59 is amended by adding a new paragraph (f) as follows:

(f) Pursuant to section 309(d) of the Tariff Act of 1930, as amended, the Department of Commerce has found and advised the Secretary of the Treasury of the foreign countries which allow privileges to aircraft registered in the United States substantially reciprocal to those described in sections 309 and 317 of the Tariff Act of 1930, as amended.^{57a} Advices also have been received of changes and limitations of privileges allowed. In accordance with these advices, Treasury decisions are issued extending to the aircraft of foreign countries free withdrawal privileges reciprocal to those found by the Secretary of Commerce to be extended by those countries to aircraft registered in the United States or making changes in such privileges on the basis of new findings. Listed below by countries are the Treasury decisions issued pursuant to such findings which are currently in effect:

<i>Country</i>	<i>Treasury Decision(s)</i>	<i>Exceptions, if any, as noted</i>
Argentina.....	54925 (1)	Applicable only as to aircraft equipment, spare parts, and supplies other than fuel and lubricants.
Australia.....	54747 (1)	Not applicable to ground equipment.
Bahamas.....	52798 (3)	
Belgium.....	52846 (2)	
Bermuda.....	49944 (4)	

<i>Country</i>	<i>Treasury Decision(s)</i>	<i>Exceptions, if any, as noted</i>
Brazil-----	53281 (2)	
Canada	69-149 69-245	Not applicable to ground equipment during period May 1 to Sept. 16, 1969, inclusive.
Chile	66-128 (2)	
Costa Rica	53658 (1)	
Denmark	51966 (3)	
Dominican Republic	54522 (1)	
Ecuador	52510 (4)	
El Salvador	54675 (1)	
Finland	69-120 (2)	
France	67-96 (1)	Not applicable to tobacco products under sec. 317 of the tariff act. Not appli- cable to ground equipment.
Federal Republic of Germany	69-150	Not applicable to ground equipment.
Greece	54847 (1)	
Iceland	67-265 (1)	
India	55155 (1)	
Ireland	55291 (1)	
Israel	52831 (3)	
Italy	69-223	Not applicable to ground equipment.
Jamaica	69-231	Not applicable to ground equipment.
Japan	53550 (1)	
Lebanon	53902 (1)	
Mexico	54506 (5)	
Netherlands	52494 (2)	
Nicaragua	54640 (1)	
Norway	51966 (3)	
Pakistan	55416 (1)	
Panama	55453 (1)	
Peru	52911 (2)	
Portugal	68-107 (1)	Not applicable to ground equipment.
South Africa	69-162	Not applicable to ground equipment.
Spain	54522 (2)	
Sweden	51966 (3)	
Switzerland	56047	

<i>Country</i>	<i>Treasury Decision(s)</i>	<i>Exceptions, if any, as noted</i>
Trinidad and Tobago	56441 (1)	
Union of Soviet Socialist Republics	67-123 (1)	
United Kingdom	69-176	Not applicable to ground equipment.
Venezuela	55425 (1)	

Part 10 is amended by adding footnote 57^a to read as follows:

^{57a} Section 4221, title 26, United States Code, provides for exemption from manufacturers' excise taxes on articles for use on qualified aircraft, including aircraft registered in a foreign country if the Secretary of Commerce has advised that such country allows substantially reciprocal privileges in respect of aircraft registered in the United States. Advices received from the Secretary of Commerce under this statute are published in Internal Revenue Bulletins.

(Secs. 309, 317, 46 Stat. 690, as amended, 696, as amended; 19 U.S.C. 1309, 1317.)

Section 10.65(b) is amended by changing the period at the end to a comma and adding:

nor shall it be granted to aircraft of foreign registry of a country for which there is not in effect a finding and advice by the Department of Commerce under section 309(d), Tariff Act of 1930, as amended, that such country allows privileges to aircraft registered in the United States substantially reciprocal to those described in section 317, Tariff Act of 1930, as amended. See section 10.59(f).

(Secs. 317, 624, 46 Stat. 696, as amended, 759; 19 U.S.C. 1317, 1624.)

Effective date. This amendment shall be effective on the date of publication in the Federal Register.

(235)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved March 18, 1970:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register April 1, 1970 (35 F.R. 5400)]

(T.D. 70-74)

Coastwise transportation—Customs Regulations amended

Section 4.93(b) (1), Customs Regulations, amended to add Greece to the list of countries whose registered vessels are permitted to transport empty cargo vans, lift vans, and shipping tanks coastwise

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Greece extends to vessels of the United States, in ports of Greece, privileges reciprocal to those provided in section 4.93(a) (1) of the Customs Regulations, with respect to empty cargo vans, empty lift vans, and empty shipping tanks. Therefore, vessels of the Government of Greece are permitted to transport coastwise empty cargo vans, empty lift vans, and empty shipping tanks under the conditions specified in the applicable proviso to section 27, Merchant Marine Act, 1920, as amended (46 U.S.C. 883).

Accordingly, section 4.93(b) (1) of the Customs Regulations is amended by the insertion of "Greece" in appropriate alphabetical order in the list of countries in that section.

(80 Stat. 379, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883.)

Effective date: This amendment shall become effective on the date of its publication in the Federal Register.

(216.131)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved March 18, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register April 1, 1970 (35 F.R. 5400)]

(T.D. 70-75)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 18, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from March 9 through March 13, 1970, rate of \$0.285066.

Denmark krone:

March 9, 1970-----	\$0.133362
March 10, 1970-----	.133321
March 11, 1970-----	.133412
March 12, 1970-----	.133379
March 13, 1970-----	.133375

Hong Kong dollar:

Official rate of \$0.163750 for the period from February 23 through February 27, 1970, Free rates not available for the period from February 23 through February 27, 1970.

Iran rial:

For the period from March 2 through March 6, 1970, rate not available.

Philippine peso:

For the period from March 2 through March 6, 1970, rate not available.

Thailand baht (tical):

For the period from March 2 through March 6, 1970, rate not available.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

(T.D. 70-76)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 26, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.
(133.121)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

AMERICAN GOODS RETURNED

T.D. 70-76(1) *American goods returned. Printed muslin and percale sheeting.*—Rolls of bleached muslin and percale sheeting, suitable for use in the manufacture of sheeting without further printing may be exported for printing and returned to the United States classifiable under *item 806.20*, TSUS. Both the bleached and printed sheeting are recognized articles of commerce having identical uses and the printing is not so substantial a transformation as to remove the merchandise from the scope of *Amity Fabrics Co., Inc. v. United States*, 43 Cust. Ct. 64, C.D. 2104 (1959). This does not apply to "greige goods" exported for dyeing. Bureau letter dated November 20, 1969. (511.4)

INSTRUMENTS OF INTERNATIONAL TRAFFIC

T.D. 70-76(2) *Containers in trade between the United States and Guam.*—Containers used in the transportation of merchandise between points in the United States and Guam are considered "instruments of international traffic" and may be released without entry or the payment of duties under *section 322(a)*, Tariff Act of 1930, as amended, upon compliance with applicable regulations. Bureau letter dated February 24, 1970. (542.112)

TARIFF CLASSIFICATION

T.D. 70-76(3) *Art reproductions, produced from original design by silk screen or line block and stencil process.*—"Multiples," described as art reproductions produced from designs specifically prepared for reproduction, classifiable under the provision for photographs, engravings, etchings, lithographs, and woodcuts, and pictorial matter

produced by relief or stencil printing process, whether bound or not bound, nspf, printed not over 20 years at time of importation, according to whether lithographs on paper, or other, in *item 274.60, 274.65, or 274.70*, TSUS, and not under the provision for prints in *item 765.10*, TSUS, by reason of the application of *Headnote 1(iii) to Part 11, Subpart A, Schedule 7*, TSUS, which precludes from classification in that subpart articles made in any part by stencilling or other mechanical processes. Bureau letter dated March 16, 1970. (497.3)

T.D. 70-76(4) *Articles of rubber, nspf. Lens lifting device.*—Lens lifting device packed in a kit, used for handling lenses without touching them, operating through vacuum suction action, consisting of rubber bulb with two interchangeable rubber heads mounted on the ends of small metal tubes, in chief value of rubber components, classifiable under the provision for articles of rubber, nspf, in *item 774.25 or 774.60*, TSUS, depending on whether rubber is natural or synthetic. Bureau letter dated March 4, 1970. (443.57)

T.D. 70-76(5) *Bars of steel.*—Cold formed steel bars, 11/16-inch (across flats), not alloyed, when measured across the opposite corners corresponds to a measurement of 0.7937 inch, and does not constitute wire within the meaning of *Headnote 3(i), Schedule 6, Part 2B*, classifiable under the provision for other bars of steel, other than alloy steel, cold formed, in *item 608.50*, TSUS, and not under the provision for other wire of steel, other than alloy steel, not coated or plated with metal, in *item 609.70*, TSUS. Bureau letter dated March 10, 1970. (423.3)

T.D. 70-76(6) *Bolts, of base metal. Fasteners used with screws, bolts, or studs. Classification Principles; "entireties," "tariff entities."*—Frame mounting screws, consisting of threaded steel fasteners (one end with wood screw threads and the other with machine screw threads) and die cast nonferrous fastening devices, used in installation of door and window frames where walls are of masonry material, separately classifiable; the threaded component under the provision for bolts of iron or steel, in *item 646.54*, TSUS, and the fastener case under the provision for fasteners or holders (except nuts) used with bolts, of base metal, in *item 646.42*, TSUS. Bureau letter dated March 6, 1970. (424.412)

T.D. 70-76(7) *Electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus. Digital multimeters.*—Digital multimeters, which produce a digital readout of a.c. and d.c. volts, current, and ohms, with an accuracy of up to 0.001 percent, the multimeter measuring $3\frac{1}{8}$ inches high by 13 inches wide

by 9 inches deep, classifiable under the provision for other electrical measuring, checking, analyzing, or autotatically-controlling instruments and apparatus, in *item 712.49*, TSUS. Bureau letter dated March 11, 1970. (426.846)

T.D. 70-76(8) *Electrical measuring, checking, analyzing, or autotatically-controlling instruments and apparatus. Soil tester.*—Soil acid and humidity tester, an instrument having a zinc plate and a special metal plate and a calibrated meter with a needle indicator, which utilizes the electromotive force (voltage) developed by the hydrogen ion concentration (pH) of the soil and applies the voltage developed by the instrument's electrodes to the meter directly in pH units, and which also has a switch-operated modification to convert the instrument to make simple resistance measurements, which are read on the meter as soil moisture content, is classifiable under the provision for other electrical measuring, checking, analyzing instruments, in *item 712.49*, TSUS. Bureau letter dated March 9, 1970. (426.846)

T.D. 70-76(9) *Fatty substances. Monoglycerides.*—Monoglycerides are classifiable under the provision for fatty-acid esters, of polyhydric alcohols, not sulfonated or sulfated, in *item 465.10*, TSUS. Bureau letter dated March 16, 1970. (417.6)

T.D. 70-76(10) *Articles of textile materials, nspf. Stuffed animal.*—A stuffed ornamental and decorated figure of a horse, approximately 10 inches high, made of embroidered cotton fabric set over a wood frame and stuffed with miscellaneous textile wastes, classifiable under the provision for other ornamental articles of textile materials, of cotton, nspf, in *item 386.04*, TSUS. Merchandise of this class or kind considered to be chiefly used in this country as a shelf or knick-knack type ornament. Bureau letter dated March 9, 1970. (492.1)

T.D. 70-76(11) *Floor coverings, imitation oriental.*—Floor coverings, of wool, woven with designs typical of a genuine oriental floor covering, imported as broadloom or as rugs, are classifiable, whether imported in lengths for wall-to-wall installation or woven to size, pursuant to the definitions contained in *Headnote 2(a)*, *Part 5A, Schedule 3*, under the provision for floor coverings, in *item 360.46*, TSUS, and not under the provisions for floor coverings in *item 922.50*, TSUS. Bureau letter dated March 17, 1970. (012)

T.D. 70-76(12) *Fuel oil. No. 4 fuel oil.*—No. 4 fuel oil, a distillate fuel oil and chiefly used for heating large installations, such as hospitals, apartments, etc., is classifiable under the provision for crude

petroleum distillate fuel oils, testing under 25 degrees A.P.I., in *item 475.05*, TSUS, or testing 25 degrees A.P.I. or more, in *item 475.10*, TSUS. Bureau letter dated March 9, 1970. (418.112)

T.D. 70-76(13) *Glue pen. Articles of plastics, nspf.*—Glue pen made of plastic with the exception of a small metallic spring which, in operation, releases a dot of glue when pen's movable plastic tip is pressed upon the surface to be glued, classifiable under the provision for other articles of plastics, nspf, in *item 774.60*, TSUS. Bureau letter dated March 3, 1970. (496.2)

T.D. 70-76(14) *Hair, animal.*—Double drawn Mexican washed horsetail hair, 5/30-inch, black and gray, which in addition to being sorted and treated is blended for color and precut to specific lengths for end use, classifiable under the provision for other hair, and fur removed from the skin, nspf, crude, sorted, treated, or both sorted and treated, but not otherwise processed, in *item 186.55*, TSUS. The cutting or trimming of the horsetail hair at both ends for the purpose of obtaining uniform lengths does not constitute a manufacture for tariff purposes. Bureau letter dated March 13, 1970. (473.72)

T.D. 70-76(15) *Iron compounds. Iron oxide.*—Iron oxide, which is in powder form, 93 to 94 percent specular hematite, and of a blue-brown, muddy-red color and a dirty blue-grey hue or tint (very weak) is not a pigment, a pigment material, or suitable for imparting color, within the meaning of *Headnote 1, Subpart B, Part 9, Schedule 4*, and is, therefore, classifiable under the provision for other iron compounds, in *item 418.94*, TSUS. T.D. 66-38(10), distinguished. Bureau letter dated March 9, 1970. (417.381)

T.D. 70-76(16) *Machines, nspf. Press, briquetting.*—Automatic hydraulic briquetting press, used for the purpose of processing metal scrap such as borings, millings, and chipped turnings, which are pressed into cylindrical-shaped briquettes, controlled and operated by an electro-magnetic control valve in automatic cycles or, alternatively, by hand, classifiable under the provision for machines nspf, in *item 678.50*, TSUS. Bureau letter dated March 5, 1970. (434)

T.D. 70-76(17) *Machines, textile. Twisting machines.*—Machine called a "false twist machine," used to impart a twist to texturized synthetic yarn, ranging from 1,200 to 7,100 turns per meter in either an all "S" direction, an all "Z", or alternate "S" and "Z" directions, classifiable under the provision for twisting machines and other textile machines for producing yarns, in *item 670.06*, TSUS. Bureau letter dated March 9, 1970. (434)

T.D. 70-76(18) *Mats, pile, of coir (not including floor coverings), for golf driving ranges and greens.*—Cocoa coir mats, chiefly used on

golf driving ranges and golf courses, classifiable under the provision for pile mats, of coir (not including floor coverings), in *item 385.95*, TSUS. Bureau letter dated March 9, 1970. (475.211)

T.D. 70-76(19) *Microscopes, compound optical, not provided with means for photographing or projecting the image.*—An infrared compound optical microscope, with an image-converter tube, a light source, and an infrared filter, not provided with means for photographing or projecting the image, is classifiable under the provision for compound optical microscopes, not provided with means for photographing or projecting the image, valued over \$50 each, in *item 708.73*, TSUS. Bureau letter dated March 9, 1970. (443.58)

T.D. 70-76(20) *Organic chemical crudes. Methylnapthalene.*—Methylnapthalene, a benzenoid chemical derived from coal tar, is classifiable under the provision for coal tar, crude and organic chemical products found naturally in coal tar, whether produced or obtained from coal tar or other source, in *item 401.52*, TSUS. Bureau letter dated December 18, 1969. (417.5)

T.D. 70-76(21) *Rainwear. Coated or filled fabrics.*—Outer garments composed solely of a woven fabric of man-made fibers to which has been applied on the inside surface an application of a thin resinous material, not classifiable under the provision for garments designed for rainwear, hunting, fishing, or similar uses, wholly or almost wholly of fabrics which are coated or filled, or laminated, with rubber or plastics, which (after applying Headnote 5 of Schedule 3) are regarded as textile materials, in *item 376.54 or 376.56*, TSUS, where the thin resinous application does not visibly or significantly affect the surface of the fabric within the meaning of the term "coated or filled" as defined by *Headnote 2(a), Part 4C, Schedule 3*, TSUS. C.D. 3933 noted. Bureau letter dated March 17, 1970. (474.715)

T.D. 70-76(22) *Rubber and plastic articles, ns pf, wholly or almost wholly of expanded, foamed, or sponge rubber or plastics. Underlay, wallpaper.*—Wallpaper underlay, flexible, made of soft-textured, white expanded polystyrene plastics, which serves as an insulation material, available in rolls 30 feet long and 2 feet wide, classifiable under the provision for other flexible expanded, foamed, or sponge rubber or plastics, in *item 770.80*, TSUS. Bureau letters dated March 10, 1970. (418.44)

T.D. 70-76(23) *Rubber and plastics articles. Rubber cushion crepe material.*—Synthetic rubber cushion crepe material, $\frac{1}{4}$ to $\frac{3}{8}$ inch in thickness in sheets 35 by 50 inches, used almost exclusively as soling material for footwear, is classifiable under the provision for flexible expanded, foamed, or sponge rubber or plastics, in *item 770.80*, TSUS. Bureau letter dated March 12, 1970. (465.201)

T.D. 70-76(24) *Rubber and plastics products. Tablecloth.*—A tablecloth, consisting of a floral printed vinyl plastic material backed with cotton flannel and having a nylon lace edging, is classifiable under the provision for curtains and drapes, napkins, table covers, and like furnishings, of rubber or plastics, in *item 772.35*, TSUS, and not as a textile product by reason of the application of *Headnote 5, Schedule 3*, TSUS, which precludes from classification as a textile product any article which is wholly or in part of a fabric coated with nontransparent rubber or plastics. Bureau letter dated March 9, 1970. (471.4)

T.D. 70-76(25) *Rubber and plastics sheets, flexible. Soling material.*—Flexible semicompacted micro-cellular rubber, $\frac{1}{8}$ to $\frac{1}{4}$ inch in thickness in sheets 35 inches by 50 inches, used almost exclusively as soling material for footwear, is classifiable under the provision for flexible film, strips, sheets, plates, slabs, blocks, filaments, rods, seamless tubing, and other profile shapes, of rubber or plastics, in *item 771.42*, TSUS. Bureau letter dated March 12, 1970. (465.201)

T.D. 70-76(26) *Rubber and plastics sheets, flexible. Upper material, footwear.*—Flexible material composed of a brown grained polyvinyl chloride layer with no open cells forming the exterior surface, backed by brown unsupported polyvinyl chloride, used as synthetic upper material in footwear, $\frac{3}{32}$ inch thick, 54 inches wide, and 100 yards long, is classifiable under the provision for flexible film, strips, sheets, plates, slabs, blocks, filaments, rods, seamless tubing, and other profile shapes, of rubber or plastics, in *item 771.42*, TSUS. Bureau letter dated March 12, 1970. (465.201)

T.D. 70-76(27) *Server, cranberry, of stainless steel.*—Cranberry server of stainless steel, with overall length of approximately 8½ inches, with 3-inch bowl slotted for purposes of draining liquids, regarded for tariff purposes as a spoon, classifiable under *item 650.54 or 650.55*, TSUS, depending on value. Bureau letter dated March 16, 1970. (424.14)

T.D. 70-76(28) *Sheets, of rubber or plastics.*—Plastic sheeting, flexible and unsupported, chiefly used as a carpet-protective matting, consisting of clear polyvinyl chloride, with a ribbed surface on one side to prevent slipping and a pattern of small prongs abutting out from a smooth surface on the other which grip the carpet to prevent shifting, imported in rolls 60 feet long, 27 inches wide, and 2mm. thick, classifiable under the provision for flexible film, strips, sheets, wholly or almost wholly of plastics, not of cellulosic plastics materials, in *item 771.42*, TSUS. Bureau letter dated March 9, 1970. (475.24)

T.D. 70-76(29) *Spoons and ladles. Jelly server.*—A hand implement, consisting of a stainless steel bowl with a plastic handle,

considered to be a spoon, classifiable under the provision for spoons and ladles, with nonmetal handles, in *item 650.56*, TSUS. Bureau letter dated March 9, 1970. (424.14)

T.D. 70-76(30) *Telescopes, designed for use with infrared light. Infrared night viewer.*—A portable instrument suitable for observing objects in the dark without normally visible light which magnifies the image by use of an image-converter tube and an objective lens, is classifiable under the provision for telescopes, designed for use with infrared light, in *item 708.55*, TSUS. Bureau letter dated March 9, 1970. (443.58)

T.D. 70-76(31) *Toys nspf. Plastic ice cream stick.*—A 4½ inch long plastic ice cream stick, with a whistle built into one end, classifiable under the provision for other toys nspf, in *item 737.90*, TSUS. Bureau letter dated March 13, 1970. (481.39)

T.D. 70-76(32) *Wearing apparel, textile. Silk scarves.*—Printed silk scarves, with raw edges hemmed or stitched by means of merrrow stitching machine, are classifiable under the provision for mufflers, scarves, shawls, and veils, all the foregoing of textile materials, not knit, not ornamented, of silk, in *item 372.65*, TSUS. Bureau letter dated March 13, 1970. (474.7)

T.D. 70-76(33) *Woven fabrics, of man-made fibers. Mosquito netting.*—Woven polyethylene mosquito net cloth, in continuous lengths and over 12 inches in width, classifiable under the provision for woven fabrics, of man-made fibers, in *item 338.30*, TSUS. Bureau letter dated March 4, 1970. (418.41)

T.D. 70-76(34) *Woven fabrics of textile materials. Burlap.*—Loosely woven fabric of jute and man-made fibers, approximately 15 inches in width and used by nurseries for balling trees, is classifiable according to component material of chief value. If in chief value of jute, in *item 335.80 or 335.90*, TSUS, depending upon weight; if in chief value of jute and containing over 50 percent by weight of yarns which yarns are composed wholly or almost wholly of fibers not exceeding 5 inches in length and contain not less than 50 percent by weight either of man-made fibers or of man-made fibers and cotton, in *item 335.60*, TSUS; if in chief value of man-made fibers, under the provision for other woven fabrics, of man-made fibers, in *item 338.30*, TSUS. Bureau letter dated March 17, 1970. (472.142)

VESSELS IN FOREIGN AND DOMESTIC TRADES

T.D. 70-76(35) *Coastwise trade, continuity of transportation of passengers.*—Where a passenger on a round-the-world cruise leaves the vessel at one port and rejoins it at a subsequent port to complete

the voyage, the passenger's transportation from origin to final destination will be deemed continuous for the purposes of 46 U.S.C. 289, and there will be no violation of that statute merely because one segment of the voyage is between coastwise ports. Bureau letter dated March 4, 1970. (216.131)

(T.D. 70-77)

Cotton textiles—Restrictions on entry

Restrictions on certain categories of cotton textiles and cotton textile products manufactured or produced in Poland

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 26, 1970.

There is published below the directive of February 28, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restrictions on entry into the United States of cotton textiles and cotton textile products in certain categories manufactured or produced in Poland.

This directive was published in the Federal Register on March 7, 1970 (35 F.R. 4273), by the Interagency Textile Administrative Committee.

(343.3)

MYLES J. AMBROSE,
Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

February 28, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of March 15, 1967, as amended, between the Governments of the United States and Poland, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective March 1, 1970, and for the twelve-month period extending through February 28, 1971, entry into the United States for consumption and withdrawal from

warehouse for consumption, of cotton textiles and cotton textile products produced or manufactured in Poland in excess of the following twelve-month levels of restraint:

<i>Category</i>	<i>Twelve-Month Level of Restraint</i>
19	1,000,000 sq. yards
26	1,200,000 sq. yards ¹
28	275,000 pieces
42	30,000 dozen
43	60,000 dozen
46	5,000 dozen
53	3,000 dozen
60	15,628 dozen
62	170,000 pounds

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 19, 26, 28, 42, 43, 46, 53, 60, and 62, produced or manufactured in Poland and which have been exported to the United States from Poland prior to March 1, 1970, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period March 1, 1969, through February 28, 1970. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of March 15, 1967, as amended, between the Governments of the United States and Poland which provides in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Poland and with respect to imports of cotton textiles and cotton textile products

¹ Of this amount, not more than 150,000 square yards may be in duck, T.S.U.S.A. Nos.:

320.—01 through 04, 06, 08	326.—01 through 04, 06, 08
321.—01 through 04, 06, 08	327.—01 through 04, 06, 08
322.—01 through 04, 06, 08	328.—01 through 04, 06, 08

from Poland have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
*Secretary of Commerce
 Chairman, President's Cabinet
 Textile Advisory Committee*

(T.D. 70-78)

Bonds

Approval and discontinuance of consolidated aircraft bonds (air carrier blanket bonds), Customs Form 7605

TREASURY DEPARTMENT,
 OFFICE OF THE COMMISSIONER OF CUSTOMS,
 Washington, D.C., March 27, 1970.

The following consolidated aircraft bonds have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the surety was different on the previous bond, the information is shown in a footnote at end of list.

Name of principal and surety	Date of bond	Date of approval	Filed with regional commissioner of customs; amount
Transportes Aereos Portugueses S.A.R.L. of Lisbon, Portugal, dba TAP Portuguese Airways in North America, 601 Fifth Ave., New York, N.Y.; St. Paul Fire & Marine Ins. Co. PB(3-20-68) D 3-15-70 ¹	Jan. 20, 1970	Mar. 13, 1970	New York, N.Y.; \$100,000

¹ Surety is American Casualty Co.

The foregoing principal has been designated as a carrier of bonded merchandise.

(232.1)

ROBERT V. McINTYRE,
*Assistant Commissioner,
Office of Regulations and Rulings.*

(T.D. 70-79)

Bonds

Approval and discontinuance of bonds on Customs Form 7587 for the control of instruments of international traffic of a kind specified in section 10.41a of the Customs Regulations

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 31, 1970.

Bonds on Customs Form 7587 for the control of instruments of international traffic of a kind specified in section 10.41a of the Customs Regulations have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at end of list.

Name of principal and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
American Enka Corp. (Del. corp.), Enka, N.C.; St. Paul Fire & Marine Ins. Co.	Mar. 4, 1970	Mar. 4, 1970	New York, N.Y.; \$10,000
Blue Giant Equipment Corp., 2323 Kenmore Ave., Buffalo, N.Y.; Commercial Union Ins. Co. of America	Nov. 24, 1969	Nov. 24, 1969	Buffalo, N.Y.; \$10,000
Lloyd Brasileiro (Brazilian Gov't Agency), 21 W. St., New York, N.Y.; St. Paul Fire & Marine Ins. Co.	Jan. 27, 1970	Jan. 28, 1970	New York, N.Y.; \$10,000
Luis A. Ayala Colon Sucrs., Inc., 65 Comercio St., Playa, Ponce, P.R.; Puerto Rican-American Ins. Co.	Mar. 1, 1970	Mar. 5, 1970	San Juan, P.R.; \$10,000
PB(5-7-65) D 2-28-70 ¹			

Name of principal and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
Detroit Processing Terminal Div. of Nor Cote, Inc., 4485 W. Jefferson Ave., Detroit, Mich.; Reliance Ins. Co.	Jan. 9, 1970	Jan. 19, 1970	Detroit, Mich.; \$10,000
Grace Line Inc., 3 Hanover Square, New York, N.Y.; Federal Ins. Co. D 3-2-70	July 19, 1960	Aug. 1, 1960	New York, N.Y.; \$10,000
Interolsen Line Agencies Inc., 160 Sansome St., San Francisco, Calif.; St. Paul Fire & Marine Ins. Co. PB(1-11-67) D 1-13-70	Jan. 13, 1970	Jan. 14, 1970	San Francisco, Calif.; \$10,000
Dr. F. Jonas Co., Frank Jonas, sole proprietor, 50 W. 44th St., New York, N.Y.; St. Paul Mercury Ins. Co. D 1-23-70	Jan. 24, 1964	Jan. 29, 1964	Norfolk, Va.; \$10,000
The Journal Co., 333 W. State St., Milwaukee, Wis.; Northwestern National Ins. Co. of Milwaukee, Wis. PB(12-13-63) D 1-12-70 ¹	Dec. 13, 1969	Jan. 12, 1970	Milwaukee, Wis.; \$10,000
Jute Industries Ltd., of N.Y., Inc., 111 W. 40th St., New York, N.Y.; St. Paul Mercury Ins. Co. D 1-27-70	Sept. 17, 1963	Sept. 18, 1963	New York, N.Y.; \$10,000
Nissho-Iwai American Corp. (N.Y. corp.), 80 Pine St., New York, N.Y.; The Travelers Indemnity Co.	Mar. 2, 1970	Mar. 9, 1970	New York, N.Y.; \$10,000
Norwegian American Line Agency Inc., 29 Broadway, New York, N.Y.; Federal Ins. Co. PB(2-17-64) D 2-17-70 ²	Feb. 17, 1970	Feb. 17, 1970	New York, N.Y.; \$10,000
Prudential-Grace Lines Inc. (Del. corp.), 3 Hanover Square, New York, N.Y.; Federal Ins. Co.	Feb. 6, 1970	Feb. 11, 1970	New York, N.Y.; \$10,000
Schenkers International Forwarders Inc., 44 Whitehall St., New York, N.Y.; St. Paul Fire & Marine Ins. Co. D 12-18-69	Jan. 16, 1968	Jan. 16, 1968	New York, N.Y.; \$10,000
The Schwarzen Bach Hubert Co. (N.J. corp.), 470 Park Ave. S., New York, N.Y.; St. Paul Fire & Marine Ins. Co.	Feb. 27, 1970	Mar. 2, 1970	New York, N.Y.; \$10,000
States Marine-Isthmian Agency, Inc. (Del. corp.), 50 Broad St., New York, N.Y.; St. Paul Fire & Marine Ins. Co. PB(1-4-69) D 1-5-70 ³	Jan. 5, 1970	Jan. 5, 1970	New York, N.Y.; \$10,000
Transnuclear, Inc., 7 W. 57 St., New York, N.Y.; American Casualty Co. PB(3-6-69) D 3-6-70 ⁴	Mar. 6, 1970	Mar. 6, 1970	New York, N.Y.; \$10,000
Colon Y. Villalon, 104 Paseo Covadonga, San Juan, P.R., The Fidelity & Causalty Co. of N.Y.	Dec. 18, 1969	Dec. 19, 1969	San Juan, P.R.; \$20,000

¹ Surety is Seaboard Surety Co.² Surety is The American Ins. Co.³ Surety is St. Paul Mercury Ins. Co.⁴ Surety is Ins. Co. of North America.⁵ Surety is St. Paul Fire & Marine Ins. Co.

(542.113)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(T.D. 70-80)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 25, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from March 16 through March 20, 1970, rate of \$0.285066.

Denmark krone:

March 16, 1970	.....	\$0.133395
March 17, 1970	.....	.133379
March 18, 1970	.....	.133440
March 19, 1970	.....	.133425
March 20, 1970	.....	.133425

Hong Kong dollar:

Official rate of \$0.163750 for the period from March 2 through March 6, 1970, and the following Free rates:

March 2, 1970	.....	\$0.164360
March 3, 1970	.....	.164394
March 4, 1970	.....	.164394
March 5, 1970	.....	.164462
March 6, 1970	.....	.164394

Iran rial:

For the period from March 2 through March 6, 1970, rate of \$0.0132443.

Philippine peso:

Official rate of \$0.256410* for the period from March 2 through March 6, 1970, and the following Free rates:

March 2, 1970-----	\$0.166900
March 3, 1970-----	.165700
March 4, 1970-----	.162500
March 5, 1970-----	.161300
March 6, 1970-----	.161800

Thailand baht (tical):

For the period from March 2 through March 6, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

*Certified as nominal rate.

(T.D. 70-81)

Antidumping—Steel bars, reinforcing bars, and shapes from Australia

The Secretary of the Treasury makes public a finding of dumping with respect to steel bars, reinforcing bars, and shapes from Australia. Section 53.43, Customs Regulations amended

TREASURY DEPARTMENT,
Washington, D.C., March 31, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 53—ANTIDUMPING

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Ltd., Melbourne, Australia, are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). The Secretary's determination was published in the Federal Register for November 27, 1969 (34 F.R. 18955).

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsi-

bility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on February 27, 1970, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Ltd., Melbourne, Australia, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. The Tariff Commission's determination was published in the Federal Register for March 5, 1970 (35 F.R. 4161).

On behalf of the Secretary of the Treasury, I hereby make public these determinations in this finding of dumping with respect to steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Ltd., Melbourne, Australia.

Section 53.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

<i>Merchandise</i>	<i>Country</i>	<i>T.D.</i>
Steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Ltd., Melbourne, Australia.	Australia	70-81

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)
(643.3)

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register April 7, 1970 (35 F.R. 5610)]

(T.D. 70-82)

Country of origin marking—Customs Regulations amended

Marking on containers of articles repackaged in the United States section 11.10,
Customs Regulations amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

**PART 11—PACKING AND STAMPING; MARKING; TRADEMARKS AND TRADE
NAMES; COPYRIGHTS**

There was published in the Federal Register for October 2, 1969
(34 F.R. 15360), a notice of a proposal to amend section 11.10(a) of

the Customs Regulations to provide that in certain circumstances an exception from marking under 19 U.S.C. 1304(a)(3)(D) may be authorized in cases where imported articles are repacked after release from customs custody in containers which will reach the ultimate purchaser in the United States unopened and which are marked to indicate the country of origin. Written data, views, or arguments submitted in response to that notice have been given careful consideration.

Since the deferral of liquidations of entries of merchandise which are to be repacked in accordance with the proposal will place an additional burden on customs officers, it has been decided to provide that liquidation may not be deferred for more than 60 days unless the district director of customs authorizes such a deferral upon written application.

Accordingly, section 11.10(a) of the Customs Regulations is amended by adding after the second sentence thereof the following:

An exception under section 304(a)(3)(D) may also be authorized, in the discretion of the district director, if an article is to be repacked by the importer, after release from customs custody, in a container marked to indicate the origin of the contents to an ultimate purchaser in the United States, provided the importer arranges for supervision of the marking of the containers by customs officers at the importer's expense or such verification as may be necessary, by certification and the submission of a sample or otherwise, of the marking prior to liquidation of the entry. The liquidation of such entries may be deferred for a period of not more than 60 days from the date that a request for repacking is granted. Extensions of the 60-day deferral period may be granted by the district director in his discretion upon written application by the importer.

(Sec. 304, 46 Stat. 687, as amended; 19 U.S.C. 1304.)

Since this amendment grants an exemption not previously provided in the regulations, good cause is found for dispensing with the requirement for a delayed effective date as provided in 5 U.S.C. 553(d).

Effective date. This amendment shall become effective on the date of its publication in the Federal Register.

(363.2)

EDWIN F. RAINS,

Acting Commissioner of Customs.

Approved March 26, 1970:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register April 9, 1970 (35 F.R. 5810)]

(T.D. 70-83)

Countervailing duties—Canned tomatoes and canned tomato concentrates from Italy

Notice of increase of countervailing duties imposed under section 303, Tariff Act of 1930, by reason of the payment or bestowal of a bounty or grant on exportation of canned tomatoes and canned tomato concentrates from Italy; section 16.24(f) of the Customs Regulations, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 16—LIQUIDATION OF DUTIES

In Treasury Decision 69-13 published in the Federal Register on December 31, 1968, the net amount of the bounty or grant on canned tomatoes and canned tomato concentrates was ascertained and determined or estimated to be 1,500 lire per 100 kilos of canned tomatoes and 3,000 lire per 100 kilos of canned tomato concentrates.

Information now available indicates an increase in the amount of bounty or grant being paid on canned tomatoes and canned tomato concentrates exported from Italy on and after February 21, 1970.

In accordance with section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), the net amount of the bounty or grant on canned tomatoes and canned tomato concentrates exported from Italy on and after February 21, 1970, has been ascertained and determined or estimated, and such net amount is hereby declared to be 2,000 lire per 100 kilos of canned tomatoes and 3,300 lire per 100 kilos of canned tomato concentrates, except concentrates of 95 percent or higher. For concentrates which are 95 percent or higher, the amount is 11,220 lire per 100 kilos.

Effective February 21, 1970, and until further notice, upon entry for consumption or withdrawal from warehouse for consumption of such dutiable canned tomatoes and canned tomato concentrates imported directly or indirectly from Italy, which were exported from Italy on or after February 21, 1970, and which benefit from such bounty or grant, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

The table in section 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Italy—Canned Tomatoes and Canned Tomato Concentrates" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rate" in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624).
(644)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved March 31, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register April 7, 1970 (35 F.R. 5610)]

(T.D. 70-84)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textile products in categories 49 and 55,
manufactured or produced in Malaysia

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 2, 1970.

There is published below the directive of February 28, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee, concerning the restriction on entry into the United States of certain cotton textile products manufactured or produced in Malaysia.

This directive was published in the Federal Register on March 20, 1970 (35 F.R. 4887), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

February 28, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective February 28, 1970, and for the twelve-month period extending through February 27, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 49 and 55, produced or manufactured in Malaysia, in excess of the following designated levels of restraint:

<i>Category</i>	<i>Twelve-Month Level of Restraint</i>
49	1,785 dozen
55	17,325 dozen

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 49 and 55, produced or manufactured in Malaysia which have been exported to the United States from Malaysia prior to February 28, 1970, shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period February 28, 1969, through February 27, 1970. In the event that the above levels of restraint have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-85)

Cotton textiles—Restriction on entry

Restrictions on certain cotton textiles and cotton textile products manufactured or produced in Mexico

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 2, 1970.

There is published below the letter of March 17, 1970, received by the Commissioner of Customs from the Interagency Textile Administrative Committee amending levels of restraint, contained in the President's Cabinet Textile Advisory Committee directive, dated April 28, 1969 (T.D. 69-135), applicable to certain cotton textiles and cotton textile products manufactured or produced in Mexico.

This directive was published in the Federal Register on March 20, 1970 (35 F.R. 4887), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

March 17, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

On April 28, 1969, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Mexico, and exported to the United States on or after May 1, 1969, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments¹ in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, in accordance with the Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of April 28, 1969, the levels of restraint provided in that directive for cotton textile products in Categories 28 through 64 and Category 63, produced or manufactured in Mexico and exported from Mexico to the United States for the period beginning May 1, 1969, and extending through April 30, 1970, are hereby amended as follows, to be effective as soon as possible:

Categories
28 through 64
63

*Amended Twelve-Month
Levels of Restraint²*
2,546,775 sq. yards
127,339 pounds

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products

¹ The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; and for administrative arrangements.

² These levels have not been adjusted to reflect entries made on or after May 1, 1969.

from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

STANLEY NEHMER
*Chairman, Interagency Textile
Administrative Committee, and
Deputy Assistant Secretary
for Resources*

(T.D. 70-86)

Classification of insulated copper cable

Decision in C.D. 3886, holding insulated copper cable classifiable under the provision for electrical articles not specially provided for in item 688.40, Tariff Schedules of the United States, limited

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 2, 1970.

In *C. J. Tower & Sons of Buffalo, Inc. v. United States*, C.D. 3886 (decided September 18, 1969), the United States Customs Court held that insulated copper cable in continuous rolls, used as both heating and conducting cable was classifiable under the provision for electrical articles not specially provided for in item 688.40, Tariff Schedules of the United States (TSUS), rather than under the provision for articles of copper, not coated or plated with precious metals, in item 657.30 of the tariff schedules, as claimed by the Government. The court concluded that inasmuch as the plaintiff had failed to establish that the cable was used chiefly as an electrical conductor, it was precluded from finding that the cable was classifiable under the provision for insulated electrical conductors, without fittings, in item 688.05, TSUS (now item 688.04, TSUS).

Inasmuch as the Government has concluded that the merchandise is principally used for electrical conduction purposes, merchandise of the type involved in C.D. 3886 shall be classifiable under the provisions of Item 688.04, TSUS.

(431.01)

MYLES J. AMBROSE,
Commissioner of Customs.

(T.D. 70-87)

Bonds

Approval of consolidated aircraft bond (air carrier blanket bond), Customs Form 7605; amendment of T.D. 69-137

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 3, 1970.

T.D. 69-137 relating to the approval of the consolidated aircraft bond of the following principal is hereby amended as necessary to show that such principal is designated as a carrier of bonded merchandise, as noted below.

Principal	Effective date as carrier
Air Jamaica (1968) Ltd.....	Mar. 13, 1970

(232.1)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(T.D. 70-88)

Crude petroleum—Excessive moisture and impurities

Notice of change in quantity for which no allowance may be granted

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 6, 1970.

In response to a request for a new determination of the quantity of sediment and water in importations of crude petroleum for which no allowance may be granted under section 507 of the Tariff Act of 1930 (19 U.S.C. 1507), there was published in the Federal Register for December 16, 1969 (34 F.R. 19724), a notice of the Bureau's proposal to reduce such quantity from 1 percent to 0.3 percent.

Interested persons were given an opportunity to submit relevant data, views, or arguments in writing regarding the proposed change. The comments received favored the change.

It is, therefore, hereby determined that sediment and water in excess of 0.3 percent in importations of crude petroleum may properly be considered as "excessive moisture and impurities not usually found in

or upon such or similar merchandise" under section 507 of the tariff act and section 15.7 of the Customs Regulations.

Effective Date. Since this ruling recognizes an exemption good cause is found for dispensing with the 30-day delayed effective date provision of 5 U.S.C. 553. This ruling shall be effective after the expiration of 10 days after the publication of this notice in the Federal Register. (334.2)

MYLES J. AMBROSE,
Commissioner of Customs.

[Published in the Federal Register April 10, 1970 (35 F.R. 5968)]

(T.D. 70-89)

Obsolete Customs Forms—Customs Regulations amended

Sections 8.19(a), 10.31(b), (c), and (d), 14.2(d), 17.2(a), 22.8(b) and 22.33(b), prescribing the use of various customs forms, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

To delete the reference to certain customs forms which have been abolished, the Customs Regulations are amended as follows:

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

In section 8.19 the first five sentences of paragraph (a) are deleted and the following substituted therefor:

8.19 Powers of attorney.—(a) A power of attorney may be executed by a principal for the transaction by an agent or attorney of a specified part or all the customs business of the principal. Customs Form 5291 may be used for giving powers of attorney to transact customs business. * * *

In section 8.19 the last sentence of paragraph (a) is revised to substitute "district director of customs" for "collector of customs".

Footnote 26 to Part 8 is deleted.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

The first sentence of paragraph (b) of section 10.31 is amended by substituting "district director of customs" for "collector." The second sentence of that paragraph which refers to the issuance of a certificate

on customs Form 4447, a form which has been abolished, is deleted. As amended the paragraph will read:

(b) The district director of customs, if he is satisfied as to the importer's identity and good faith, may admit a vehicle or craft brought in by a nonresident to take part in a race or other specific contest for which no money purse is awarded, under the provisions of item 864.35, Tariff Schedules of the United States, without formal entry or security for exportation. If at the time of arrival it appears that the article is likely to remain in the United States beyond 90 days, formal entry and bond shall be taken.

That portion of the second sentence of paragraph (c) of section 10.31 beginning with "Whenever an entry" and ending with "a certificate on customs Form 4447," is deleted. As amended the paragraph will read:

(c) When any article has been admitted without formal entry or security for exportation and the importer thereafter desires to prolong his stay beyond 90 days, an entry covering the article and security for its exportation shall be accepted at any port where the article may be presented for entry. The time during which the imported article may remain in the United States under the entry shall be computed from the date of its original arrival in the United States. The estimated duties for the purpose of fixing the amount of any bond required by paragraph (f) of this section shall be the estimated duties which would have been required to be deposited had the article been entered under an ordinary consumption entry on the date of the original arrival.

Paragraph (d) of section 10.31 is deleted.

PART 14—APPRAISEMENT

Paragraph (d) of section 14.2 is amended by substituting "district director of customs" for "collector" and by deleting that portion of the first sentence thereof which reads: "and a caution notice, customs Form 6087, shall be securely affixed thereto." This deletion reflects the abolishment of customs Form 6087. As amended the paragraph will read:

(d) If the district director of customs deems it necessary, the packages shall be corded and sealed by a customs officer before being removed from the place of unloading. The packages shall be opened only in the presence of a customs officer authorized to examine their contents, and the opening and closing of the packages shall be done by labor furnished by the importer.

PART 17—PROTESTS AND REAPPRAISEMENTS

In section 17.2 the section heading is revised, two new sentences are substituted for the first sentence of paragraph (a), and the fifth sentence of paragraph (a) is revised as follows:

17.2 Authority to file protest.—(a) No protest signed by an agent or attorney, except an attorney at law, shall be granted or

denied by the district director of customs unless there has been filed or is filed with the protest a power of attorney on customs Form 5291 or other form as explicit in its terms as is the prescribed customs form authorizing such agent or attorney to make, sign, and file protests for the principal. A protest signed as agent or attorney for the principal by an attorney at law shall be considered a declaration by him that he is currently a member in good standing of the highest court of a state, possession, territory, commonwealth, or the District of Columbia and has been authorized to sign and file the protest for the principal. * * * If a protest is filed by a person purporting to be an agent for the protesting party, and such person is not named in a power of attorney as required by this section and section 8.19(a) of this chapter, such protest shall be deemed not filed and shall be returned to the purported agent without being numbered or stamped with the date of receipt. * * *

PART 22—DRAWBACK

Paragraph (b) of section 22.8 is amended by deleting “, on customs Form 3413, or in a substantially similar form” to reflect the abolishment of customs Form 3413. As amended the paragraph will read:

(b) Each package to be exported shall have stamped or written thereon a waiver of the right to withdraw the package from the mails, signed by the exporter.

The first, second and last sentences of paragraph (b) of section 22.33 are amended by substituting “district director of customs” for “collector of customs.” The third sentence of the paragraph is amended by deleting “on customs Form 3413, or in a substantially similar form.” As amended the paragraph will read:

(b) If the merchandise is to be exported through the mails, it shall be deposited with the postmaster for delivery to the district director of customs at the port where the merchandise was originally entered. The parcel in which the merchandise is packed shall be properly wrapped, stamped, and addressed for mailing to the foreign destination, and shall be enclosed in a wrapper addressed to the district director of customs at the port where such merchandise was originally entered. A waiver of the right to withdraw the merchandise from the mails, signed by the exporter, shall be affixed, stamped, or written on both the inner and outer wrappers. The outside wrapper shall bear an appropriate notation to the effect that the contents are intended for examination and exportation under section 313(c), Tariff Act of 1930, as amended. If the parcel is to be insured or registered to cover the transportation from the port of original entry to the foreign destination, the exporter shall deposit with the district director of customs at such port the necessary funds to cover the charges for insurance or registry.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624.)

Effective date: These amendments shall become effective on the date of their publication in the Federal Register.

(133.11)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved April 3, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register April 11, 1970 (35 F.R. 6002)]

(T.D. 70-90)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 2, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from March 23 through March 27, 1970, rate of \$0.284999.

Denmark krone:

March 23, 1970	-----	\$0.133425
March 24, 1970	-----	.133443
March 25, 1970	-----	.133412
March 26, 1970	-----	.133431
March 27, 1970	-----	.133479

Hong Kong dollar:

Official rate of \$0.163750 for the period from March 9 through March 13, 1970, and the following Free rates:

March 9, 1970	-----	\$0.164360
March 10, 1970	-----	.164327
March 11, 1970	-----	.164327
March 12, 1970	-----	.164327
March 13, 1970	-----	.164191

Iran rial:

For the period from March 9 through March 13, 1970, rate of \$0.013133.

Philippine peso:

Official rate of \$0.256410* for the period from March 9 through March 13, 1970, and the following Free rates:

March 9, 1970-----	\$0.163050*
March 10, 1970-----	.161800*
March 11, 1970-----	.161800*
March 12, 1970-----	.161850*
March 13, 1970-----	.161500*

Thailand baht (tical):

For the period from March 9 through March 13, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

*Certified as nominal rate.

(T.D. 70-91)

Cotton textiles—Restrictions on entry

Restrictions on certain categories of cotton textile products manufactured or produced in Brazil

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 10, 1970.

There is published below the directive of March 19, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee amending the levels of restraint for cotton textile products in categories 31 and 64, manufactured or produced in Brazil, contained in that Committee's directive of June 6, 1969 (T.D. 69-157).

This directive was published in the Federal Register on March 27, 1970 (35 F.R. 5202), by the Interagency Textile Administrative Committee.

(343.3)

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

March 19, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

This directive amends but does not cancel the directive issued to you on June 6, 1969, by the Chairman of the President's Cabinet Textile Advisory Committee, establishing levels of restraint for the entry into the United States for consumption and the withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in categories 31 and 64 produced or manufactured in Brazil.

Under the terms of the Long-Term Arrangement Regarding International Trade on Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, pursuant to a request by the Government of Brazil, in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of June 6, 1969, the levels of restraint applicable to cotton textiles and cotton textile products in categories 31 and 64 for the twelve-month period beginning March 27, 1969, and extending through March 26, 1970, are hereby amended as follows, to be effective as soon as possible:

<i>Categories</i>	<i>Amended Twelve-Month Levels of Restraint¹</i>
31	1,447,126 pieces
64	84,000 pounds

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

¹ These levels have not been adjusted to reflect entries made on or after March 27, 1969.

(T.D. 70-92)

Cotton textiles—Restrictions on entry

**Restrictions on entry of cotton textiles in category 26 (other than duck),
manufactured or produced in Hungary**

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 10, 1970.

There is published below the directive of March 24, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restrictions on entry into the United States of cotton textiles in category 26 (other than duck), manufactured or produced in Hungary.

This directive was published in the Federal Register on March 27, 1970 (35 F.R. 5203), by the Interagency Textile Administrative Committee.

(343.3)

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

March 24, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective March 25, 1970, and for the twelve-month period extending through March 24, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Category 26 (other than duck¹),

¹ The T.S.U.S.A. Nos. for duck fabric not covered by this directive are:

320.—01 through 04, 06, 08

326.—01 through 04, 06, 08

321.—01 through 04, 06, 08

327.—01 through 04, 06, 08

322.—01 through 04, 06, 08

328.—01 through 04, 06, 08

produced or manufactured in Hungary, in excess of a level of restraint for the period of 352,800 square yards.

In carrying out this directive, entries of cotton textiles in Category 26 (other than duck), produced or manufactured in Hungary, which have been exported to the United States from Hungary prior to March 25, 1970, shall, to the extent of any unfilled balance be charged against the level of restraint established for such goods during the period March 25, 1969 through March 24, 1970. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 26 (other than duck) in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Hungarian People's Republic and with respect to imports of cotton textiles and cotton textile products from Hungary have been determined by the President's Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-93)

Cotton textiles—Restrictions on entry

Restrictions on certain cotton textile products manufactured or produced in Malaysia

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 10, 1970.

There is published below the directive of March 20, 1970, received by the Commissioner of Customs from the President's Cabinet Textile

Advisory Committee concerning the restrictions on entry of cotton textile products in category 50, manufactured or produced in Malaysia.

This directive was published in the Federal Register on March 27, 1970 (35 F.R. 5203), by the Interagency Textile Administrative Committee.

(343.3)

ROBERT V. McINTYRE,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

March 20, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective March 21, 1970, and for the twelve-month period extending through March 20, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 50, produced or manufactured in Malaysia, in excess of a level of restraint for the period of 5,789 dozen.

In carrying out this directive, entries of cotton textile products in Category 50, produced or manufactured in Malaysia, which have been exported to the United States from Malaysia prior to March 21, 1970, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods during the period March 21, 1969, through March 20, 1970. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 50 in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee.

(T.D. 70-94)

Drawback—Vessels supplies—Customs Regulations amended

Section 22.18, Customs Regulations, concerning the allowance of drawback on supplies and equipment for vessels and aircraft engaged in certain classes of trade, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 22—DRAWBACK

Section 22.18(j) of the Customs Regulations presently provides that under certain circumstances a composite notice of lading may be filed monthly covering deliveries to aircraft of fuel supplies with benefit of drawback. In order that this same privilege may be accorded to vessels, section 22.18(j) is amended to read as follows:

(j) In the case of articles laden or installed on aircraft as equipment or claimed to have been used in the maintenance or repair of aircraft, the regional commissioner shall require such declarations or other evidence as will satisfy him concerning the facts. In the case of fuel laden on vessels or aircraft as supplies there may be filed with the regional commissioner a composite notice of lading for each calendar month covering all deliveries of fuel supplies during that month by one drawback claimant at a single port or airport to all vessels or airplanes of one vessel owner or operator or airline engaged in appropriate traffic. The notice shall show, either on its face or on a continuation sheet, as

to each voyage or flight, the identity of the vessel or aircraft, the description of the fuel supplies laden, the amount laden, and the date of lading. At the end of the line relating to each voyage or flight sufficient space shall be left for the district director's notation as to clearance. On the reverse of the notice the "Receipt of Master or Other Officer" shall be certified by a vessel or airline representative having knowledge of the facts and holding a Customs power of attorney. The declaration of master or other officer of American vessel shall be completed as set forth in paragraph (h) of this section.

(Secs. 309, 624, 46 Stat. 690, as amended, 759; 19 U.S.C. 1309, 1624.)

The above amendment is intended only to facilitate the preparation and liquidation of drawback claims. It is found, therefore, that the issuance of this amendment with notice and public procedure under 5 U.S.C. 553 or subject to the effective date provision of that section is unnecessary.

Effective date. This amendment shall become effective on the date of its publication in the Federal Register.

(732)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved April 9, 1970:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register April 18, 1970 (35 F.R. 6315)]

(T.D. 70-95)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 14, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.

(133.121)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

AIRCRAFT AND VESSEL SUPPLIES AND EQUIPMENT

T.D. 70-95(1) *Vessel supplies and equipment, exemption from duty and tax.*—A tanker under a long-term time charter to the United

States as represented by the Military Sea Transportation Service, Department of the Navy, for the carriage of petroleum products with the ship manned, supplied, bunkered, and victualled by the owner, is not being operated by the United States within the meaning of 19 U.S.C. 1309. Fuel for the vessel may not be withdrawn duty free under *paragraph (a) (1) (A)* of the said statute. Furthermore, unless such a vessel is engaged in a class of trade which qualifies it under *paragraph (a) (1) (B)* of the said statute, fuel for the vessel may not be withdrawn duty free under that provision of the law. Bureau letter dated February 25, 1970. (552)

TARIFF CLASSIFICATION

T.D. 70-95(2) *Agricultural implements. Grain roller.*—Grain roller approximately 43 inches long, 18 inches wide, and 22 inches high (including base for motor), having a capacity of 200 to 3000 pounds per hour, and a roll speed of 425 to 475 revolutions per minute, if chiefly used on small farms by farmers in preparing food for livestock, classifiable as agricultural implements under *item 666.00*, TSUS. If the grain roller is chiefly used to prepare food for human consumption, it is classifiable as other industrial machinery for preparing and manufacturing food or drink under *item 666.25*, TSUS. Bureau letter dated March 31, 1970. (434.1)

T.D. 70-95(3) *Articles of aluminum, not coated or plated with precious metal. Lamp bases.*—Lamp bases for light bulbs made of aluminum, are classifiable under the provision for articles of aluminum, not coated or plated with precious metal, in *item 657.40*, TSUS. *T.D. 56521(8)*, noted. Bureau letter dated March 30, 1970. (426.89)

T.D. 70-95(4) *Articles of glass fibers, nspf. "Angel Hair."*—"Angel Hair," composed of glass wool as a mat of parallel fibers, where the fibers are placed across the width, packed in boxes, is classifiable under the provision for glass fibers in bulk, and articles nspf, of glass fibers, in *item 540.71*, TSUS. Bureau letter dated March 30, 1970. (511.1)

T.D. 70-95(5) *Articles of textile materials, nspf. Household utensils, of wood. Mops. Mop handles. Entireties.*—Cotton mop heads and wood mop handles specially designed to be fitted into the hexagonal neck of the mop head, unassembled, imported in equal quantities at the same time, are considered a single tariff entity and classifiable as other unornamented textile articles of cotton, nspf, in *item 386.50*, TSUS, if in chief value of cotton, or as other household utensils of wood, nspf, in *item 206.97*, TSUS, if in chief value of wood. Wood mop handles in excess of mop heads classifiable under the provision for mop handles in *item 206.50*, TSUS. *General Headnote 10(h)*, noted. Bureau letter dated April 1, 1970. (471.255)

T.D. 70-95(6) *Articles of wadding or felt. Floor covering underlay.*—Felt, made of waste materials of wool and man-made fibers, suitable for mattress coverings and carpet underlays, if chiefly used as carpet underlay, as defined in *General Headnote 10(e)*, TSUS, classifiable under the provision for floor covering underlays in *item 361.80 or 361.85*, TSUS, according to component fibers, if not so chiefly used, classifiable under the provision for webs, wadding, batting, and nonwoven fabrics, including felts and bonded fabrics, and articles nsfp of any one or combination of these products, of textile materials, in *item 355.15, 355.16, or 355.25*, TSUS, according to component fibers and value. Bureau letter dated April 1, 1970. (473.35)

T.D. 70-95(7) *Caulking compounds. Joint compound.*—A "Joint Compound," for sealing adjoining edges of sheet rock lining, which includes calcium carbonate and a polymeric material in its composition, is classifiable under the provision for other caulking and glazing compounds in *item 474.62*, TSUS. Bureau letter dated April 1, 1970. (413.38)

T.D. 70-95(8) *Ceramic products. Beer mugs and steins.*—A ½-liter beer mug and liquor set of six small mugs decorated with the names and arms of German cities, and ½-liter and 1-liter beer steins with covers are classifiable under the provision for articles chiefly used for preparing, serving, or storing food, of fine-grained earthenware, not available in specified sets, steins, mugs, in *item 533.31*, TSUS. Bureau letter dated April 1, 1970. (444.22)

T.D. 70-95(9) *Definitions and words and phrases: Available in specified sets.*—"Available in specified sets" from *foreign countries* means any foreign country and not just the country of exportation. *T.D. 56545(10)*, explained. Bureau letter dated April 6, 1970. (444.21)

T.D. 70-95(10) *Electrical measuring or analyzing instruments. Fluorophotometer.*—The "Fluorophotometer," an instrument for analysis of polymer solids and the measurement of the extent, as well as the type, of molecular orientation in polymer films and fibers, classifiable under the provision for other electrical measuring, analyzing instruments, and parts thereof, in *item 712.49*, TSUS. Bureau letter dated April 6, 1970. (426.849)

T.D. 70-95(11) *Flavoring extracts. Smoke powder.*—Smoke powder, a granular substance prepared by distilling animal fats and essence of hardwood, the distillate oils being subsequently absorbed onto rice starch, used in curing meats, is classifiable under the provision for other flavoring extracts, not containing alcohol, in *item 450.20*, TSUS. Bureau letter dated April 1, 1970. (452.4)

T.D. 70-95(12) *Garden and field seeds. Tomato seeds.*—Tomato seeds are classifiable under the provision for other garden and field seeds, nspf, in *item 127.10*, TSUS. Bureau letter dated April 3, 1970. (467.2)

T.D. 70-95(13) *Glass. Glassware. Pharmaceutical, hygienic, and laboratory slides.*—Glass slide, 3 inches by 1 inch by $\frac{1}{16}$ -inch, coated on both sides with an agar surface, enclosed in a plastic container, for use in testing urine samples, classifiable under the provision for other pharmaceutical, hygienic, and laboratory glassware, whether or not graduated or calibrated, in *item 547.55*, TSUS. Bureau letter dated April 6, 1970. (418.44)

T.D. 70-95(14) *Labels, of paper, printed, pressure sensitive.*—Pressure sensitive paper labels, letterpress printed for affixing to plastic container containing glass slide, classifiable under the provision for printed paper labels, not printed in whole or in part by a lithographic process, in *item 274.35*, TSUS. Bureau letter dated April 6, 1970. (418.44)

T.D. 70-95(15) *Netting, of textile materials.*—Flower netting made of synthetic single filament polyethylene which is knotted on a "knot-tying" machine to form 4- and 6-inch squares, imported in 110-yard rolls 36 and 48 inches wide, and used by flower growers in flower beds, greenhouses, or outdoors to support growing cut-flower crops, such as carnations, classifiable under the provision for netting in the piece, in *item 352.80*, TSUS. Bureau letter dated March 31, 1970. (418.44)

T.D. 70-95(16) *Nitrogenous compounds. Uric acid.*—Uric acid is classifiable under the provision for imides in *item 425.24*, TSUS. Bureau letter dated April 1, 1970. (465.251)

T.D. 70-95(17) *Salts of organic acids.*—Monoammonium salt of glycyrrhizic acid is classifiable under the provision for all other salts of organic acids in *item 427.28*, TSUS. Bureau letter dated April 2, 1970. (417.312)

T.D. 70-95(18) *Sewing machines, other parts.*—A clutch motor, fluidic control unit, and foot valve (treadle), used together as a fluidic control conversion kit to make industrial sewing machines entirely automatic in control, are all classifiable under the provision for other parts of sewing machines in *item 672.25*, TSUS, *C.D. 2563*, noted. Bureau letter dated April 6, 1970. (434.25)

T.D. 70-95(19) *Standard wood moldings defined. Wood furniture parts. Dressed or worked lumber.*—Standard wood moldings are wood moldings worked to a pattern and having the same profile in cross

section throughout their length produced by moving pieces of lumber *once* through a molding machine or sticker, cut to commercial lengths, and used chiefly in the finish and trim of houses. *T.D. 70-49(22)*, noted. Wood pieces shaped to a patterned or molded form on a matching machine, sticker, or molder, in commercial random lengths and used chiefly to construct playpens, cribs for children, and other furniture are not classifiable under the provisions for wood moldings in *items 202.62 and 202.64*, TSUS. These pieces in random lengths are classifiable under the provisions for lumber, dressed or worked (not including molding), depending on species in *items 202.03 through 202.30*, and *202.33 through 202.42*, and *item 202.46*, TSUS. These pieces cut to specific sizes at the time of importation are advanced to a degree that they are committed to use as parts of furniture with a minimal amount, if any, of additional fabrication and are classifiable under the provision for furniture, and parts thereof, nspf, of wood, parts of furniture, in *item 727.40*, TSUS. Bureau letter dated April 6, 1970. (481.21)

T.D. 70-95(20) *Telephonic apparatus and instruments, and parts thereof.*—Advanced-dial-access-paging terminal equipment, consisting of various modules and racks attached to and used directly in conjunction with telephone exchange equipment to code incoming telephone calls at the exchange for transmission by a radio transmitter to a person equipped with a special pocket receiver, classifiable under the provision for telephonic apparatus and instruments and parts thereof, in *item 684.62*, TSUS. Bureau letter dated April 1, 1970. (431.51)

T.D. 70-95(21) *Textile articles nspf. Emblems.*—Cotton emblems, cut, shaped, and outlined in colored embroidery stitching to resemble a rabbit or kangaroo are not ornamented, since edge stitching finishes an otherwise raw edge and other stitching is considered essential to the nature of the article, and are classifiable under the provision for other articles nspf, of textile materials, not ornamented, of cotton, in *item 386.50*, TSUS. Bureau letter dated April 2, 1970. (427.712)

T.D. 70-95(22) *Wearing apparel, ornamentation.*—Man's sport-coat, having simulated belt in back of garment where real belt would normally be located, classifiable under the provision for men's wearing apparel, not ornamented, in *item 380.66*, TSUS. Bureau letter dated March 26, 1970. (473.4)

T.D. 70-95(23) *Wearing apparel. Snowmobile suits.*—One-piece snowsuit, with attached hood, waterproof outside shell of nylon coated

with "Weatherbar," and attached lining of nylon taffeta quilted over wadding of unspecified fiber, is classifiable under the provision for other wearing apparel, of man-made fibers, in *item 380.84 or 382.81*, TSUS, according to whether for men or women, and not under the provision for rainwear in *item 376.54-56*, TSUS, following the principle enunciated in *C.D. 3933* that the kind of apparel contemplated by Congress in the provisions covering rainwear is that composed of a single material, a textile fabric to which a rubber or plastic material has been applied. Bureau letter dated April 3, 1970. (474.5)

T.D. 70-95(24) *Woven fabrics. Carpet backing.*—Woven polypropylene tape warp, jute filling fabric, used as carpet backing, composed by weight of 69 percent jute and 31 percent polypropylene, and weighing 4.5 ounces per square yard, classifiable under the provision for other woven fabrics of vegetable fibers (except cotton), weighing over 4 ounces per square yard, in *item 335.90*, TSUS. Bureau letter dated April 1, 1970. (472.14)

T.D. 70-95(25) *Yarns, spun.*—Acrylic spun yarn, used in making carpeting, wholly of noncontinuous man-made fibers, classifiable under the provision for yarns of man-made fibers, in *item 310.50*, TSUS. Bureau letter dated April 2, 1970. (474.511)

(T.D. 70-96)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textile products in category 53, produced or manufactured in Mexico

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 14, 1970.

There is published below the directive of March 26, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee, concerning the prohibition on entry into the United States of cotton textile products in category 53, produced or manufactured in Mexico.

This directive was published in the Federal Register on April 1, 1970 (35 F.R. 5439), by the Interagency Textile Administrative Committee.

(343.3)

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

*March 26, 1970.*COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

This directive amends but does not cancel the directive issued to you on April 28, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee, establishing levels for the entry into the United States for consumption, and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in certain designated Categories produced or manufactured in Mexico, and exported to the United States during the period beginning May 1, 1969, and extending through April 30, 1970.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Government of the United States and Mexico, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Category 53, produced or manufactured in Mexico and which have been exported from Mexico during the period beginning May 1, 1969, and extending through April 30, 1970.

Cotton textiles and cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be subject to this directive.

A detailed description of Category 53 in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico. Any appropriate adjustments to, or termination of, this directive pursuant to the bilateral cotton textile agreement referred to above will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile

Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-97)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textiles in category 19, produced or manufactured in Hungary

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 14, 1970.

There is published below the directive of March 26, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee, concerning the restriction on entry into the United States of certain cotton textiles manufactured or produced in Hungary.

This directive was published in the Federal Register on April 1, 1970 (35 F.R. 5439), by the Interagency Textile Administrative Committee.

(343.3)

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

March 26, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962,

including Article 6(c) thereof relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective April 1, 1970, and for the twelve-month period extending through March 31, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Category 19, produced or manufactured in Hungary, in excess of a level of restraint for the period of 525,000 square yards.

In carrying out this directive, entries of cotton textiles in Category 19, produced or manufactured in Hungary, which have been exported to the United States from Hungary prior to April 1, 1970, shall, to the extent of any unfilled balance be charged against the level of restraint established for such goods during the period April 1, 1969, through March 31, 1970. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in the letter.

A detailed description of Category 19 in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Hungarian People's Republic and with respect to imports of cotton textiles and cotton textile products from Hungary have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-98)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textile products in category 50 produced or manufactured in the Socialist Republic of Romania

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 14, 1970.

There is published below the directive of March 30, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee, concerning the restriction on entry into the United States of certain cotton textile products manufactured or produced in Socialist Republic of Romania.

This directive was published in the Federal Register on April 2, 1970 (35 F.R. 5504), by the Interagency Textile Administrative Committee.

(343.3)

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

March 30, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning January 27, 1970, and extending through January 26, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 50, produced or manufactured in the Socialist

Republic of Romania, in excess of a level of restraint for the period of 15,000 dozen.¹

In carrying out this directive, entries of cotton textile products in Category 50, produced or manufactured in the Socialist Republic of Romania and which have been exported to the United States from the Socialist Republic of Romania prior to January 27, 1970, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 50, in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from the Socialist Republic of Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-99)

Bonded Carriers

Approval and discontinuance of carrier bonds, Customs Form 3587

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 14, 1970.

Bonds of carriers for the transportation of bonded merchandise have been approved or discontinued as shown below. The symbol "D"

¹ This level has not been adjusted to reflect any entries made on or after January 27, 1970.

indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at end of list.

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
A.B.C. Express Co., Inc., S.E. Corner 5th & Columbia Ave., Philadelphia, Pa., motor carrier; New Hampshire Ins. Co. PB (3-12-69) D 3-26-70 ¹	Mar. 12, 1970	Mar. 26, 1970	Philadelphia, Pa.; \$25,000
Astro Van Pak, Inc., 621 S. Pickett St., Alexandria, Va., motor carrier; Maryland Casualty Co.	Jan. 30, 1970	Feb. 4, 1970	Baltimore, Md.; \$50,000
Black Ball Transport, Inc., Pier 30, Seattle, Wash., water carrier; St. Paul Fire & Marine Ins. Co. D 3-20-70	July 16, 1968	July 16, 1968	Seattle, Wash.; \$50,000
Braniff Airways, Inc., 400 N. Exchange Park, Dallas, Tex., air carrier; Northwestern National Ins. Co. PB (3-12-68) D 3-16-70 ²	Mar. 12, 1970	Mar. 17, 1970	Laredo, Tex.; \$25,000
Johnny Brown's, Inc., 6901 N.W. 74th Ave., Miami, Fla., motor carrier; Seaboard Surety Co.	Feb. 25, 1970	Mar. 4, 1970	Miami, Fla.; \$25,000
Burlington Northern Inc., 805 Central Bldg., Seattle, Wash., rail carrier; St. Paul Fire & Marine Ins. Co.	Mar. 2, 1970	Mar. 2, 1970	Seattle, Wash.; \$100,000
Burrell Waite, Beaver Harbour, N.B., Can., motor carrier; U.S. Fidelity & Guaranty Co.	Mar. 27, 1970	Mar. 30, 1970	Portland, Me.; \$25,000
Victor Chimienti, Inc., W. 1023 Ide Ave., Spokane, Wash., motor carrier; General Ins. Co. of America D 2-2-70	Dec. 27, 1968	Dec. 5, 1969	Seattle, Wash.; \$25,000
Concord Airlines, Inc., Concord Bldg., Philadelphia, Pa., air carrier; American Casualty Co. of Reading, Pa. D 2-20-70	Nov. 5, 1968	Nov. 5, 1968	Philadelphia, Pa.; \$25,000
DeJong Trucking Co., Inc., 721 W. First Ave., Anchorage, Alas., motor carrier; St. Paul Fire & Marine Ins. Co.	Mar. 3, 1970	Mar. 6, 1970	Anchorage, Alas.; \$25,000
Four Winds Van Lines, Inc., 4600 Eisenhower Ave., Alexandria, Va., motor carrier; The Aetna Casualty & Surety Co.	Feb. 16, 1970	Mar. 4, 1970	Baltimore, Md.; \$25,000
Jacobs Transfer Inc., 61 Pierce St., N.E., Washington, D.C., motor carrier; Liberty Mutual Ins. Co.	Mar. 6, 1970	Mar. 6, 1970	Washington, D.C.; \$25,000
Kelleher Transportation, Inc., 500 Congress St., Boston, Mass., motor carrier; The American Ins. Co. D 3-27-70	June 13, 1969	Aug. 19, 1969	Boston, Mass.; \$25,000
Kraus Transport Ltd., 1211 Martin Grove Rd., Rexdale, Ont., Can., motor carrier; Royal Indemnity Co.	Jan. 17, 1970	Apr. 1, 1970	Buffalo, N.Y.; \$25,000
Los Angeles-Seattle Motor Express, Inc., 3200-6th Ave. S., Seattle, Wash., motor carrier; St. Paul Fire & Marine Ins. Co. D 5-10-70	May 10, 1965	July 23, 1965	Seattle, Wash.; \$25,000
Matlack, Inc., 10 W. Baltimore Ave., Lansdowne, Pa., motor carrier; Seaboard Surety Co. PB (3-1-67) D 3-1-70 ³	Mar. 1, 1970	Mar. 1, 1970	Philadelphia, Pa.; \$25,000
Mawson & Mawson, Inc., P.O. Box 125, Langhorne, Pa., motor carrier; Liberty Mutual Ins. Co.	Feb. 12, 1970	Feb. 16, 1970	Philadelphia, Pa.; \$25,000

See footnotes at end of table.

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
Mushroom Transportation Co., Inc., 845 E. Hunting Park Ave., Philadelphia, Pa., motor carrier; The Home Indemnity Co. PB(2-25-54) D 3-19-70 ¹	Jan. 29, 1970	Mar. 19, 1970	Philadelphia, Pa.; \$25,000
Novo Airfreight Corp., 733 Third Ave., New York, N.Y., freight forwarder; St. Paul Fire & Marine Ins. Co.	Mar. 10, 1970	Mar. 18, 1970	New York, N.Y.; \$50,000
Old Colony Transportation Co., Inc., 676 Dartmouth St., S. Dartmouth, Mass., motor carrier; Hartford Accident & Indemnity Co. PB(3-27-68) D 3-27-70 ¹	Mar. 27, 1970	Mar. 27, 1970	Boston, Mass.; \$50,000
Overland Express Ltd., P.O. Box 460, Woodstock, Ont., Can., motor carrier; Glens Falls Ins. Co. PB(3-21-63) D 3-16-70	Oct. 31, 1969	Mar. 16, 1970	Detroit, Mich.; \$25,000
Philippine Air Lines, Inc., 6805 Ayala Ave., Makati Rizal, Philippines, air carrier; Peerless Ins. Co. PB(2-23-68) D 2-23-70 ¹	Feb. 23, 1970	Feb. 23, 1970	San Francisco, Calif.; \$100,000
Railway Express Agency, Inc., 219 E. 42nd St., New York, N.Y., motor carrier; St. Paul Fire & Marine Ins. Co. PB(9-18-41) D 2-27-70 ¹	Mar. 1, 1970	Mar. 1, 1970	New York, N.Y.; \$100,000
Fred Rogers Co., 915 Yale N., Seattle, Wash., motor carrier; St. Paul Fire & Marine Ins. Co.	Dec. 22, 1969	Mar. 20, 1970	Seattle, Wash.; \$25,000
Seofield Transfer Co., Inc., 1051 Edwards St., Linden, N.J., motor carrier; St. Paul Fire & Marine Ins. Co.	Mar. 17, 1970	Mar. 18, 1970	New York, N.Y.; \$50,000
Seastrain Lines, Calif., 1395 Middle Harbor Rd., Oakland, Calif., St. Paul Fire & Marine Ins. Co.	Feb. 3, 1970	Feb. 19, 1970	San Francisco, Calif.; \$100,000
Slaughter Beverage Transport, Smyrna, Del., motor carrier; New Hampshire Ins. Co. D 3-12-70	Sept. 1, 1969	Oct. 24, 1969	Philadelphia, Pa.; \$25,000
The Squaw Transit Co., Inc., 5121 S. 49th West Ave., Tulsa, Okla., motor carrier; American Employer's Ins. Co.	Aug. 11, 1969	Mar. 13, 1970	Houston, Tex.; \$25,000
Suddath Van Lines, Inc., P.O. Box 6699, Jacksonville, Fla., motor carrier; Mid-Century Ins. Co.	Dec. 18, 1969	Mar. 26, 1970	Tampa, Fla.; \$25,000

¹ Surety is Fireman's Fund Ins. Co.² Surety is Maryland Casualty Co.³ Surety is Aetna Casualty & Surety Co.⁴ Surety is American Casualty Co.⁵ Surety is Fidelity & Deposit Co. of Md.⁶ Surety is New Hampshire Ins. Co.⁷ Surety is National Surety Corp.

(241.2)

ROBERT V. McINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(T.D. 70-100)

Foreign currencies—Quarterly list of rates of exchange

List of rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for use during the quarter beginning April 1, 1970, through June 30, 1970

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 7, 1970.

The appended table lists the rates of exchange of certain foreign currencies first certified to the Secretary of the Treasury by the Federal Reserve Bank of New York under the provisions of section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), for a day in the quarter beginning April 1, 1970. The rates are published for the information and use of customs officers and others concerned pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

ROBERT V. McINTYRE,
Acting Commissioner of Customs.

List of values of foreign currencies certified to the Secretary of the Treasury by the Federal Reserve Bank of New York under provisions of section 522(c), Tariff Act of 1930, as amended

QUARTER BEGINNING APRIL 1 THROUGH JUNE 30, 1970

Country	Name of Currency	Dollars
Australia.....	Dollar.....	1. 119038
Austria.....	Schilling.....	. 0386529
Belgium.....	Franc.....	. 0201376
Canada.....	Dollar.....	. 932150
Ceylon.....	Rupee.....	. 167700
Finland.....	Markka.....	. 237475
France.....	Franc.....	. 180516
Germany.....	Deutsche Mark.....	. 273115
India.....	Rupee.....	. 132575
Ireland.....	Pound.....	2. 407500
Italy.....	Lira.....	. 00158975
Japan.....	Yen.....	. 00279516
Malaysia.....	Dollar.....	. 324666
Mexico.....	Peso.....	. 0800560
Netherlands.....	Guilder.....	. 275641
New Zealand.....	Dollar.....	1. 120181
Norway.....	Krone.....	. 140020
Portugal.....	Escudo.....	. 0350583
Republic of South Africa.....	Rand.....	1. 399130
Spain.....	Peseta.....	. 0142708
Sweden.....	Krona.....	. 192512
Switzerland.....	Franc.....	. 232200
United Kingdom.....	Pound.....	2. 407500

(T.D. 70-101)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 16, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.

(133.121)

ROBERT V. MCINTYRE,
*Assistant Commissioner,
Office of Regulations and Rulings.*

AIR COMMERCE REGULATIONS

T.D. 70-101(1) *Aircraft, clearance prior to arrival.*—No clearance of an aircraft required by any provision of Part 6 of the Customs Regulations, shall be granted before the aircraft has arrived and complied with any applicable entry requirements. Bureau letter dated March 25, 1970. (216)

INSTRUMENTS OF INTERNATIONAL TRAFFIC

T.D. 70-101(2) *Containers brought to the United States to be leased to others for use in international traffic.*—A container, if brought in, even though empty, for use in an exportation planned at or before the time of importation, may be considered an "instrument of international traffic" and may be released under *section 10.41a*, Customs Regulations, without entry or the payment of duty. This is true even if when it so arrives it is new and the subject of a sale to a company which will then lease it to others for use in international traffic, provided that use includes an exportation planned at or before the time of importation. If the leasing company which purchased the container brings it in to await an eventual use in international traffic at some future time, the container will not be released as an "instrument of international traffic" upon its arrival. Bureau letter dated March 18, 1970. (542.112)

LIVE ANIMALS

T.D. 70-101(3) *Importation of purebred animals for sale for breeding purposes.*—An agreement providing that purebred animals imported by a citizen of the United States for sale at auction for breeding purposes are to be exported and returned to the consignor

if minimum sale prices are not bid does not invalidate a claim for the free entry of the animals under *item 100.01*, TSUS, whether or not the animals are sold or exported pursuant to the agreement. Bureau letter dated March 16, 1970. (557.1)

TARIFF CLASSIFICATION

T.D. 70-101(4) *Agricultural implements. Rakes.*—Lawn rakes manufactured in various lengths and sizes, made with wood handles and bamboo tines, used in the care and maintenance of lawns to remove accumulations of leaves and grass cuttings, classifiable under the provision for horticultural implements nspf in *item 666.00*, TSUS. C.D. 3619, followed. Bureau letter dated November 10, 1969. (481.39)

T.D. 70-101(5) *Articles of textile materials, nspf. Eye shades, masks.*—Eye shades, also called eye masks, in chief value of manmade fibers, chiefly used to relax the eyes, classifiable under the provision for other articles nspf, of textile materials, not ornamented, of manmade fibers, in *item 389.60*, TSUS. Bureau letter dated March 26, 1970. (474.5)

T.D. 70-101(6) *Braids not suitable for making or ornamenting headwear.*—Tubular braid insulating sleeving of various textile materials, some coated with various substances, in continuous lengths, classifiable under the provision for braids not suitable for making or ornamenting headwear: other, in *item 348.05*, TSUS. If containing a significant amount of asbestos as contemplated in *Headnote 1(ii) to Schedule 3*, TSUS, and in chief value of asbestos and any other spinnable fiber, classifiable under the provision for yarn, slivers, rovings, wick, rope, cord, cloth, tape, and tubing, of asbestos, or of asbestos and any other spinnable fiber, with or without wire, in *item 518.21*, TSUS. Bureau letter dated March 20, 1970. (465.253)

T.D. 70-101(7) *Cements, nspf.*—Refills cartridge for glue pen consisting of a labelled polyethylene plastic cylindrical tube-like container, with a plastic screw cap, containing a white aqueous ammonical emulsion composed of a compounded natural rubber latex, classifiable under the provision for cements, nspf, in *item 494.60*, TSUS. Bureau letter dated March 3, 1970. (496.2)

T.D. 70-101(8) *Ceramic products. Water pitcher.*—Water pitcher with handle and pouring lip, of fine-grained earthenware, is classifiable under the provision for articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients: of fine-grained earthenware or of fine-grained stoneware: not available in specified sets: valued over \$3.40 per dozen, in *item 533.38*, TSUS. Bureau letter dated March 18, 1970. (443.4)

T.D. 70-101(9) *Furnishings, of textile materials. Curtains.*—Curtains of polyester fibers, made of a knitted net construction and an ornamented woven construction, are classifiable under the provision for other lace or net furnishings, ornamented, made on a lace, net, or knitting machine, in *item 365.85, TSUS*; curtains made of a woven unornamented construction are classifiable under the provision for other furnishings, not ornamented, of man-made fibers, in *item 367.60, TSUS*. Bureau letter dated March 18, 1970. (474.5)

T.D. 70-101(10) *Headwear. Coolie hat.*—Coolie hat made of chipwood strips not sewed, having trim, classifiable under the provision for headwear of vegetable fibers, trimmed, but not sewed and valued not over \$3 per dozen, in *item 702.45, TSUS*. Bureau letter dated March 26, 1970. (475.12)

T.D. 70-101(11) *Household articles nspf, plastics.*—Colored air-stones chiefly used in aquariums, in the form of porous rectangular blocks ($\frac{1}{2}$ inch by $\frac{1}{2}$ inch by 1 inch) consisting of 95 percent grains of limestone (oxides and silicates of aluminum, sodium, magnesium, and iron) and 5 percent of plastic material (phenolformaldehyde), from which protrudes a $\frac{5}{8}$ inch long plastic tube, classifiable under the provision for other household articles nspf, of plastics, in *item 772.15, TSUS*, and not under the provision for other mineral substances and articles of mineral substances, nspf, decorated, in *item 523.94, TSUS*, because grains of limestone bound together with a synthetic resin are considered a plastics material for tariff purposes. *Schedule 7, Part 12, Headnote 1(b)(i)*, noted. *T.D. 56502(56)*, revoked. Bureau letter dated March 17, 1970. (418.44)

T.D. 70-101(12) *Inflatable articles nspf. Pneumatic rubber fenders.*—Pneumatic rubber fenders, inflated with air and used by surface vessels as shock-absorbing devices to prevent damage when coming in contact with other vessels, quays, jetties, and wharves, classifiable under the provision for other inflatable articles nspf, in *item 790.39, TSUS*. Bureau letter dated March 23, 1970. (465.2)

T.D. 70-101(13) *Machine tools. Machines, nspf.*—Rotating cable stranding machines equipped with concentric taping heads and binding heads which heads are designed to serve incidental functions consisting of placing either fiber or paper tape and/or yarn or fiber thread around the assembly of stranded wire as holding operation preparation for next operation, classifiable under the provision for other metal working machine tools, in *item 674.35, TSUS*, and not under the provision for machines nspf, in *item 678.50, TSUS*. *Schedule 6, Part 4, Headnote 2*, inapplicable. Bureau letter dated March 25, 1970. (434)

T.D. 70-101(14) *Machinery and mechanical equipment. Nuclear fuel pins.*—Where enriched uranium oxide is sent abroad, sintered and pelletized and inserted into zirconium alloy tubing to form nuclear fuel rods or pins, which are subsequently collected into assemblies to be mechanically charged into a nuclear fuel reactor, such fuel pins or rods are classifiable as follows: Uranium pellets under the provision for uranium compounds, oxide, in *item 422.50*, TSUS, and the zirconium tubing under the provision for articles of base metals not provided for, not coated or plated with precious metal, in *item 658.00*, TSUS. Such nuclear fuel rods (including the uranium pellets) which are imported in the form of assemblies are classifiable under the provision for steam and other vapor generating boilers and parts thereof, in *item 660.10*, TSUS. Bureau letter dated March 17, 1970. (417.366)

T.D. 70-101(15) *Nitrogenous compounds. Nitromethane.*—Nitromethane is classifiable under the provisions for other nitrogenous compounds, in *item 425.52*, TSUS. Bureau letter dated March 18, 1970. (417.0)

T.D. 70-101(16) *Optical elements. Filters.*—Optical filters used in research and development to transmit light of specific wave lengths, not considered as lenses, if unmounted, classifiable under the provision for other unmounted optical elements, in *item 708.09*, TSUS, if mounted, classifiable under the provision for other mounted optical elements, in *item 708.29*, TSUS. Bureau letter dated March 19, 1970. (443.63)

T.D. 70-101(17) *Organic compounds. Eucalyptol.*—Eucalyptol is classifiable under the provision for other organic compounds, in *item 429.95*, TSUS. Bureau letter dated March 26, 1970. (416.3)

T.D. 70-101(18) *Pins, single-shaft, pointed on one end and headed on the other. "T-Pins."*—Metal pins, known as "T-Pins," used to hold wigs in place on styrofoam head forms, are classifiable under the provision for pins consisting of a single shaft pointed on one end and headed on the other, without ornamentation, not plated with precious metal, other, in *item 745.58*, TSUS. Bureau letter dated March 16, 1970. (493)

T.D. 70-101(19) *Wearing apparel, of textile materials. Ornamentation. Doctoral gown.*—Doctoral gown of cotton, having velvet and other embellishments essential for it to meet the requirements of a gown worn by candidates for a doctor's degree, classifiable under the provision for women's wearing apparel, not ornamented, in *item 382.33*, TSUS. Bureau letter dated March 25, 1970. (534.4)

T.D. 70-101(20) *Wood: Words and phrases.*—Balsa wood lumber which is edge-glued, not drilled or treated, is under 6 feet in length and

is over 15 inches in width, classifiable under the provision for lumber, edge-glued, not over 6 feet in length or over 15 inches in width, not drilled or treated, hardwood, edge-glued, not drilled or treated, in item 202.53, TSUS. *Fifth Supplemental Report to the Tariff Classification Study* (November 1960) page 9, and *Pacific Hardwood Sales Co. et al v. United States*, C.D. 3960, January 30, 1970, noted. Bureau letter dated March 19, 1970. (481.21)

T.D. 70-101(21) *Wood fence pickets, palings, and rails, assembled into fence section. Stained.*—Fence sections stained red or red-brown by application of a solution that also contains a fungicide along with the pigments and other ingredients, the pigments having no effect upon the control of the growth of green mould on the wood of the fence sections, are further advanced than the allowable treatment with creosote or other preservatives (*Schedule 2, Part 1, Subpart A, Headnote 2*, TSUS). Such stained assembled wood fence sections are classifiable under the provision for articles nsfp, of wood, in item 207.00, TSUS. Bureau letter dated March 20, 1970. (481.215)

(T.D. 70-102)

Cartage and lighterage—Customs Regulations amended

Section 21.1(a), Customs Regulations, concerning cartage and lighterage by a common carrier who has posted a carrier's bond, customs Form 3587, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 21—CARTAGE AND LIGHTERAGE

The fourth sentence of section 21.1(a) of the Customs Regulations provides that the collector, now district director of customs, may appoint or license as a customs cartman or lighterman any common carrier who has executed and filed a carrier's bond, customs Form 3587.

Although section 18.1(a) of the Customs Regulations as amended by Treasury Decision 69-19, approved December 30, 1968, no longer describes a freight forwarder authorized to operate as such by any agency of the United States as a common carrier, the amendment was not intended to deprive qualified freight forwarders of the benefits of the above-cited provision.

Since the bond on customs Form 3587 or 3588 previously posted by a bonded freight forwarder or carrier includes the operations of a cart-

man or lighterman, section 21.1(a) is amended to provide that they may be so appointed or licensed.

Accordingly, the fourth sentence of section 21.1(a) of the Customs Regulations is amended to read:

A carrier or freight forwarder who has filed a carrier's bond, customs Form 3587, or a carrier who has filed a private carrier's bond, customs Form 3588, may be appointed or licensed as a customs cartman or lighterman for a port for which such bond provides coverage.

(Secs. 565, 624, 46 Stat. 747, 759; 19 U.S.C. 1565, 1624.)

This amendment shall become effective on the date of its publication in the Federal Register.

(258.11)

MYLES J. AMEROSE,
Commissioner of Customs.

Approved April 14, 1970:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register April 30, 1970 (35 F.R. 6805)]

(T.D. 70-103)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 10, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from March 30 through April 3, 1970, rate of
\$0.284999.

Denmark krone:

March 30, 1970	.....	\$0.133404
March 31, 1970	.....	.133375
April 1, 1970	.....	.133441
April 2, 1970	.....	.133370
April 3, 1970	.....	.133350

Hong Kong dollar:

For the period March 16 through March 20, 1970, Official and Free rates not available.

Iran rial:

For the period from March 16 through March 20, 1970, rate of \$0.0131333.

Philippine peso:

Official rate of \$0.256410* for the period from March 16 through March 20, 1970, and the following Free rates:

March 16, 1970-----	\$0.161850*
March 17, 1970-----	.161850*
March 18, 1970-----	.161800*
March 19, 1970-----	.161750*
March 20, 1970-----	.161700*

Thailand baht (tical):

For the period from March 16 through March 20, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

ROBERT V. McINTYRE,
Acting Commissioner of Customs.

*Certified as nominal rate.

(T.D. 70-104)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 16, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certi-

fied the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from April 6 through April 10, 1970, rate of \$0.284999.

Denmark krone:

April 6, 1970	-----	\$0. 133345
April 7, 1970	-----	. 133341
April 8, 1970	-----	. 133325
April 9, 1970	-----	. 133316
April 10, 1970	-----	. 133258

Hong Kong dollar:

Official rate of \$0.163750 for the period from March 16 through March 20, 1970. Free rates not available for the period from March 16 through March 20, 1970.

Iran rial:

For the period from March 23 through March 27, 1970, rate of \$0.0130333.

Philippine peso:

Official rate of \$0.256410* for the period from March 23 through March 27, 1970, and the following Free rates:

March 23, 1970	-----	\$0. 161300*
March 24, 1970	-----	. 161700*
March 25, 1970	-----	. 161700*
March 26, 1970	-----	. 161500*
March 27, 1970	-----	. 161500*

Thailand baht (tical):

For the period from March 23 through March 27, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

MYLES J. AMBROSE,
Commissioner of Customs.

*Certified as nominal rate.

(T.D. 70-105)

Countervailing duties—Sugar content of certain articles from Australia

Net amount of bounty declared for the period November 1969 through March 1970 for products of Australia subject to the countervailing duty order published in T.D. 54582. Section 16.24(f), Customs Regulations, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 16—LIQUIDATION OF DUTIES

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the period November 1969 through March 1970 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

<i>Month</i>	<i>Net amount of bounty per 2,240 lbs. of sugar content</i>
November 1969	Aus. \$92.30
December 1969	91.90
January 1970	94.70
February 1970	89.00
March 1970	87.90

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be the rate stated in the above table. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amounts of the bounty shown above shall be assessed and collected.

The table in section 16.24(f) under "Australia—Sugar content of certain articles" is amended (1) by deleting therefrom the reference to T.D. 69-207 and (2) by adding a reference to this Treasury Deci-

sion. As amended the last three lines of the table under this commodity will read:

Country	Commodity	Treasury Decision	Action
		69-229	New rate
		69-253	New rate
		70-105	New rate

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624.)
(644)

ROBERT V. McINTYRE,
Acting Commissioner of Customs.

Approved April 22, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register April 28, 1970 (35 F.R. 6707)]

(T.D. 70-106)

Cotton textiles—Restrictions on entry

Restrictions on entry of certain cotton textiles and cotton textile products
manufactured or produced in Mexico

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 23, 1970.

There is published below the letter of April 3, 1970, received by the Commissioner of Customs from the Interagency Textile Administrative Committee amending levels of restraint, contained in the President's Cabinet Textile Advisory Committee directive, dated April 28, 1969 (T.D. 69-135), applicable to certain cotton textiles and cotton textile products manufactured or produced in Mexico.

This directive was published in the Federal Register on April 8, 1970 (35 F.R. 5744), by the Interagency Textile Administrative Committee.

(343.3)

ROBERT V. McINTYRE,
Acting Commissioner of Customs.

THE ASSISTANT SECRETARY OF COMMERCE

WASHINGTON, D.C. 20230

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

April 3, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

On April 28, 1969, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Mexico, and exported to the United States on or after May 1, 1969, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments¹ in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of April 28, 1969, the overall level of restraint provided in that directive for cotton textile products in Categories 5 through 27 and the levels of restraint for Categories 9, 10, 22, 23, 26 and 27, produced or manufactured in Mexico and exported from Mexico to the United States for the period beginning May 1, 1969, and extending through April 30, 1970, are hereby amended as follows, to be effective as soon as possible:

<i>Categories</i>	<i>Amended Twelve-Month Levels of Restraint²</i>
5 through 27	25,467,750 sq. yards
9	4,830,000 sq. yards
10	2,415,000 sq. yards

¹ The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico which provide in part that within the aggregate limit the group limit on Group II (Categories 5 through 27) may be exceeded by 10%, limits on certain specific categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements.

² These levels have not been adjusted to reflect entries made on or after May 1, 1969.

<i>Categories</i>	<i>Amended Twelve-Month Levels of Restraint</i>
22	4,830,000 sq. yards
23	3,622,500 sq. yards
26	7,245,000 sq. yards ³
27	2,415,000 sq. yards ³

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

STANLEY NEHMER,
*Chairman, Interagency Textile
Administrative Committee, and
Deputy Assistant Secretary
for Resources*

(T.D. 70-107)

Supplies and equipment for aircraft—Customs Regulations amended

Section 10.59(f), Customs Regulations, relating to free withdrawal of supplies and equipment for aircraft, amended to add the Republic of China, Colombia, and Czechoslovakia to the list of qualified countries

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

In accordance with section 309(d), Tariff Act of 1930, as amended

³ Of the total amount for Categories 26 and 27, not more than 5,433,700 square yards shall be in duck fabric, T.S.U.S.A. Nos.:

320.—01 through 04, 06, 08	326.—01 through 04, 06, 08
321.—01 through 04, 06, 08	327.—01 through 04, 06, 08
322.—01 through 04, 06, 08	328.—01 through 04, 06, 08

(19 U.S.C. 1309(d)), the Department of Commerce has found and under date of January 23, 1970, has advised the Treasury Department that, except for ground equipment, the Republic of China allows privileges to aircraft registered in the United States and engaged in foreign trade substantially reciprocal to those provided for in sections 309 and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317). Corresponding privileges are accordingly extended to aircraft registered in the Republic of China and engaged in foreign trade effective as of the date of such notification.

Under date of January 26, 1970, the Department of Commerce advised the Treasury Department that Colombia allows privileges to aircraft registered in the United States and engaged in foreign trade substantially reciprocal to those provided for in sections 309 and 317 of the Tariff Act of 1930, as amended, and on March 17, 1970, the Department of Commerce furnished identical advice with respect to Czechoslovakia. The same privileges are therefore hereby extended to aircraft registered in Colombia and Czechoslovakia and engaged in foreign trade effective as of the respective dates of such notifications.

Accordingly, paragraph (f) of section 10.59, Customs Regulations, is amended by the insertion of "Republic of China", "Colombia", and "Czechoslovakia" in appropriate alphabetical order, the number of this Treasury decision in the opposite column headed "Treasury Decision(s)" and the wording "Not applicable to ground equipment" opposite "Republic of China" in the column headed "Exceptions, if any, as noted" in the list of nations in that paragraph.

(Secs. 317, 624, 46 Stat. 696, as amended, 759; 19 U.S.C. 1317, 1624).
(235)

ROBERT V. McINTYRE,
Acting Commissioner of Customs.

Approved April 21, 1970:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register April 30, 1970 (35 F.R. 6805)]

(T.D. 70-108)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 28, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.

(133.121)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

AIRCRAFT AND VESSEL SUPPLIES AND EQUIPMENT

T.D. 70-108(1) *Aircraft supplies and equipment, exemption from duty and tax.*—Air way-bills, passenger tickets, and printed forms of like nature, which are used only on the ground rather than on an aircraft, may not be withdrawn free of duty and taxes for "supplies (including equipment), ground equipment, maintenance, or repair of aircraft" under the provisions of 19 U.S.C. 1309. Bureau letter dated April 13, 1970. (235)

INVOICES

T.D. 70-108(2) *Signing of invoices.*—Under section 482(c) of the Tariff Act of 1930, a foreign Customs broker having no interest in the merchandise except as broker or forwarder and not authorized by the seller or shipper to sign invoices as an agent having knowledge of the facts is not qualified to sign special Customs invoices on Customs Form 5515. The prohibition in section 482(c) of the tariff act against the signing of special Customs invoices by a broker or forwarder has no application to commercial invoices. In many cases where commercial invoices in support of a Customs entry are acceptable, value is not a prime consideration. Bureau letter dated April 13, 1970. (314.2)

MARKING

T.D. 70-108(3) *Turtleneck shirts, parka shells, and similar garments packaged in polyethylene bags or envelopes.*—Articles such as turtleneck shirts and sweaters, parka shells, and similar garments packaged in polyethylene bags are not considered to be properly marked to indicate the country of origin when the transparent envelope in which they are placed does not show the country of origin

and the proper marking on the article is concealed by the neck of the garment or by closure of the zipper fastener or by folding the garment with the hood over the marking, when there is no indication the garment will always be removed from the envelope and opened by the ultimate purchaser. Bureau letter dated April 10, 1970. (363.2)

TARIFF CLASSIFICATION

T.D. 70-108(4) *Animal feeds.*—Pelleted millet not fit for human consumption with molasses-type flavor additive is classifiable under the provision for animal feeds, nspf, mixed feeds, in *item 184.70*, TSUS; similarly, pelleted combination of wheat hay and clover hay is classifiable under the provision for other animal feeds, nspf, in *item 184.75*, TSUS. Bureau letter dated April 8, 1970. (461.541)

T.D. 70-108(5) *Aromatic compounds.*—Sodium benzosulphimide tablets, which are artificial sweeteners, are classifiable under the provision for saccharin in *item 408.45*, TSUS. Bureau letter dated April 8, 1970. (418.21)

T.D. 70-108(6) *Articles of glass, nspf.*—Parts of fused quartz spectrophotometer cells, requiring addition of windows after importation, are classifiable under the provision for other articles of glass, nspf, in *item 548.05*, TSUS. Bureau letter dated April 20, 1970. (442.164)

T.D. 70-108(7) *Articles of paper, nspf. Breast pads.*—Contoured breast pads of circular shaped papers $4\frac{1}{2}$ inches in diameter, sewed together at two ends, classifiable under the provision for other articles of paper, nspf, in *item 256.90*, TSUS. Bureau letter dated April 14, 1970. (490)

T.D. 70-108(8) *Articles of textile materials, nspf. U.S. Coast Guard Auxiliary ensigns.*—U.S. Coast Guard Auxiliary ensigns (flags) made of nylon with silk-screened seals on both sides, classifiable under the provision for other articles nspf, of textile materials, not ornamented, of man-made fibers, in *item 389.60*, TSUS, and not under the provision for articles imported for the use of an institution established to encourage the saving of human life, lifeboats and life-saving apparatus, in *item 853.10*, TSUS. Bureau letter dated April 10, 1970. (427.712)

T.D. 70-108(9) *Articles of wood, nspf. Easel-sketch boxes.*—Wood combination easel-sketch boxes for painting, measuring 22 by 15 by 7 inches, used as an easel when opened with legs unfolded to desired height, containing a slide-out drawer for artists' materials and a canvas carrier section for storing finished paintings, with the legs folded and the box closed making a portable carrying case equipped

with handle or strap; since it can be put to more uses than that of a mere carrying case, it is not classifiable as luggage under *item 706.60*, TSUS, but is classifiable instead under the provision for articles nspf, of wood, in *item 207.00*, TSUS. Bureau letter dated April 9, 1970. (481.31)

T.D. 70-108(10) *Baskets of unspun fibrous vegetable materials.*—Serving baskets for bread, of willow, are classifiable under the provision for baskets of unspun fibrous vegetable materials in *item 222.41*, TSUS. Bureau letter dated April 10, 1970. (471.2)

T.D. 70-108(11) *Ceramic products: "Rockingham Ware."*—Ceramic article, $4\frac{7}{8}$ inches in diameter, $1\frac{1}{2}$ inches deep and with a 2-inch handle, reddish-colored body, unglazed bottom surface upon which the piece rested when in the kiln, the outer exposed surfaces including handle covered with a lustrous glaze solidly colored brown to black with a metallic oxide or salt, but the inner surface covered with a clear lustrous glaze without coloration is not so-called "Rockingham ware" because this inner surface is not glazed with the required glaze. To be classified under the provisions for such ware as articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients, of fine-grained earthenware, whether or not decorated, having a reddish-colored body and a lustrous glaze which, on teapots, may be any color, but which, on other articles, must be mottled, streaked, or solidly covered brown to black with metallic oxide or salt, in *items 533.14 and 533.16*, TSUS, all exposed surfaces, excluding the bottom surface because of the position of the article in contact with the firing surface of the kiln during the firing process, must be completely covered with the glaze prescribed in the heading to *items 533.14 and 533.16*, TSUS. Ceramic ware glazed as described is classifiable under the provisions for other articles of fine-grained earthenware (except articles provided for in *items 533.14 and 533.16*) or of fine-grained stoneware, not available in specified sets, in *items 533.33, 533.35, and 533.36, and 533.38*, TSUS, depending on value. Bureau letter dated April 10, 1970. (444.22)

T.D. 70-108(12) *Counter. Golf talley.*—Manually operated device designed to indicate the number of strokes made for each hole of golf, while keeping a cumulative score of the total strokes used, classifiable under the provision for counters, in *item 711.98*, TSUS. Bureau letter dated April 10, 1970. (492.232)

T.D. 70-108(13) *Electrical articles, nspf. Silicon alloy castings.*—Silicon alloys in the form of raw castings and unmachined, which are for subsequent use as anodes for the cathodic protection of

pipe lines and other buried structures, classifiable under the provision for electrical articles, nspf, in *item 688.40*, TSUS. Bureau letter dated April 10, 1970. (423.37)

T.D. 70-108(14) *Electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus, and parts thereof. Radiation control.*—Photoelectric system, an automatic control instrument and/or signalling device, which generates an electrical signal for control purposes by the photoelectric detection of visible variations in radiations caused by changes in position and/or condition of solids and liquids, useful on any automated equipment in all industries when connected to a main control of another instrument or device, classifiable under the provision for other electrical checking instruments and apparatus, and parts thereof, in *item 712.49*, TSUS. Bureau letter dated April 16, 1970. (431)

T.D. 70-108(15) *Floating structures.*—Floating marine facility consisting of a round steel hull or buoy with chains for mooring offshore, equipped for loading or unloading fluid cargoes, classifiable under the provision for buoys and other floating structures (except vessels) in *item 696.60*, TSUS. Hose, for unloading liquid, whether or not imported with the structure, classifiable under the provision for hose of rubber or plastics, suitable for conducting gases or liquids, in *item 772.65*, TSUS. Bureau letter dated April 8, 1970. (423.379)

T.D. 70-108(16) *Floor coverings, of textile materials.*—Woven nylon tricot rugs consisting of 85 percent nylon tricot and 15 percent olefin (polypropylene), the wefts being made of nylon tricot (nylon fabric knitted on a tricot machine) and the warps of rolled bands of olefin, such rugs of man-made fibers are classifiable under the provision for floor coverings nspf, of textile materials, in *item 361.54 or 361.56*, TSUS, depending on whether or not they are woven on a power-driven loom. Bureau letter dated April 3, 1970. (475.26)

T.D. 70-108(17) *Furnishings of textile materials. Bread basket liner.*—Cotton, lace-trimmed, red and white checkered covers, placed in small serving bread baskets, specially designed with several small pockets to keep dinner rolls or bread warm for serving, classifiable under the provision for other furnishings, ornamented, of cotton, in *item 365.78*, TSUS. Bureau letter dated April 10, 1970. (471.2)

T.D. 70-108(18) *Glassware. Glass containers.*—Glass bottle with threaded neck and capacity of $1\frac{1}{2}$ ounces, chiefly used for packaging and marketing a petrolatum preparation is classifiable under the provision for other containers chiefly used for the packing, transporting, or marketing of merchandise, of glass, holding not over $\frac{1}{4}$ pint, in *item 545.21*, TSUS. Bureau letter dated April 10, 1970. (443.4)

T.D. 70-108(19) *Glassware. Miscellaneous metal products. Entireties: Salt and pepper set.*—Two-piece glass salt and pepper shaker set with chrome-plated steel screw-on caps and with removable chrome-plated steel stand or rack, is not an entirety and is classifiable according to component material in chief value; the salt and pepper shakers, if in chief value of glass, are classifiable under the provision for other glassware articles chiefly used in the household or elsewhere for preparing, serving, or storing food or beverages, in *item 546.52 or 546.54*, TSUS, according to value; if the shakers are in chief value of the metal caps, in *item 653.95*, TSUS. The chrome-plated metal stand is classifiable under the provision for other household articles, not coated or plated with precious metal, of iron or steel, in *item 653.95*, TSUS. Bureau letter dated April 13, 1970. (443.55)

T.D. 70-108(20) *Halogenated hydrocarbons.*—N-Butyl chloride is classifiable under the provisions for chlorinated but not otherwise halogenated hydrocarbons in *item 429.47*, TSUS. Bureau letter dated April 8, 1970. (417.0)

T.D. 70-108(21) *Machinery, food and drink preparation and manufacturing. Molding and wrapping machinery for butter.*—Molding and wrapping machinery for butter, margarine, and similar products, classifiable as other industrial machinery for preparing and manufacturing food or drink, under *item 666.25*, TSUS. Bureau letter dated April 10, 1970. (434.5)

T.D. 70-108(22) *Machines nspf. Molding or otherwise forming machines, rubber or plastics articles. Lifting, handling, loading, or unloading machinery. Classification principles: "Tariff Entireties."*—"Tape extrusion lines" used in the manufacture of tapes and ribbons of plastics material consisting of extruders, two control cabinets, flat film dies, and take-up winders, functioning as integral whole and centrally controlled, classifiable under the provision for machines used for molding or otherwise forming rubber or plastics articles in *item 678.35*, TSUS. Bureau letter dated April 8, 1970. (434)

T.D. 70-108(23) *Machines, nspf. Vacuum cleaner.*—A vacuum cleaner or multi-purpose sucking tool for cleaning uses, including removing dust, oils, sludge, chips, flakes, chemicals, emulsions, and coolants from industrial equipment, classifiable under the provision for machines, nspf, in *item 678.50*, TSUS. Bureau letter dated April 20, 1970. (431)

T.D. 70-108(24) *Mechano-therapy appliances and massage apparatus. Automobile seat massager.*—Automobile seat massager, measuring 340 by 340 by 70 millimeters, intended to be plugged into the car's cigarette lighter, and placed between the passenger's back and car

seat, classifiable under the provision for mechano-therapy appliances and massage apparatus, in *item 709.40*, TSUS. Bureau letter dated April 8, 1970. (431)

T.D. 70-108(25) Minerals. Fluorspar.—Pelletized fluorspar, 1 to 1½ inches in size, if containing not over 97 percent by weight of calcium fluoride, classifiable under *item 522.24*, TSUS; if containing over 97 percent by weight of calcium fluoride, classifiable under *item 522.21*, TSUS. Binder is considered in making assay of calcium fluoride content. Bureau letter dated April 9, 1970. (444.12)

T.D. 70-108(26) Office machines nspf. Data terminal.—Data terminal with input and output functions designed to be used with either a computer or teleprinter machine, having no calculating mechanism, is classifiable under the provision for office machines nspf, in *item 676.30*, TSUS. Bureau letter dated April 10, 1970. (431.5)

T.D. 70-108(27) Other wearing apparel, not ornamented. Snowmobile coverall.—Snowmobile coverall with detachable hood, of woven nylon coated on the inner surface with an unspecified resinous material which does not visibly and significantly affect the surface within the meaning of *Headnote 2(a), Part C, Schedule 3*, TSUS, is classifiable under the provision for other wearing apparel in *item 380.84 or 382.81*, TSUS, and not under the provision for rainwear in *item 376.56*, TSUS. Bureau letter dated April 10, 1970. (474.5)

T.D. 70-108(28) Pharmaceutical, hygienic, and laboratory glassware.—Laboratory glassware, consisting of graded seals of tubular Pyrex glass and fused quartz with sealing cane in between, and standard taper joints and ball joints of fused quartz, if containing over 95 percent silica by weight, classifiable under the provision for pharmaceutical, hygienic, and laboratory glassware, containing over 95 percent silica by weight, in *item 547.53*, TSUS. If 95 percent or less silica by weight, classifiable under other, in *item 547.55*, TSUS. Bureau letter dated April 20, 1970. (442.164)

T.D. 70-108(29) Plastics articles. Artificial flowers.—Snap-on type sunflower and dahlia made of plastic and covered with a rayon flocking, classifiable as other articles nspf, of plastics, in *item 774.60*, TSUS, and not as unornamented articles nspf, of man-made fibers, in *item 389.60*, TSUS. *Schedule 3, Headnotes 4(b) and 5* are not applicable. Bureau letter dated April 16, 1970. (475.3)

T.D. 70-108(30) Postcards.—Three dimensional (3-D) picture postcards measuring about 5½ by 4 inches, consisting of a printed paper on the writing side laminated to screen-like plastic on the face, on basis that such postcards depict scenes and views not in the United

States and are printed in whole or in part by a lithographic process, classifiable under the provision for other postcards, in *item 273.95*, TSUS; if not lithographed, classifiable under the provision in *item 273.90*, TSUS. Bureau letter dated April 9, 1970. (484.451)

T.D. 70-108(31) *Printed matter. Paperboard inserts.*—Paperboard inserts 0.010 inch in thickness for use in packaging panty hose, hosiery, and tights, lithographically printed with textual and pictorial advertising matter and die cut and scored but not making up into complete containers, boxes, or envelopes, classifiable under the provision for other printed matter, nspf, printed on paper in whole or in part by a lithographic process, not over 0.020 inch thick, in *item 274.75*, TSUS. Bureau letter dated April 15, 1970. (511.4)

T.D. 70-108(32) *Synthetic plastics materials.*—Polyvinylidene fluoride is classifiable under the provision for other synthetic plastics materials in *item 445.50*, TSUS. Bureau letter dated April 17, 1970. (418.41)

T.D. 70-108(33) *Synthetic plastics material. Plastic wall coating.*—A plastic wall coating, a mixture of tacky material containing granular pieces, of approximately 81 percent by weight of crushed marble with a synthetic plastic of the acrylic type, classifiable under the provision for acrylic resin plastics materials in *item 445.05*, TSUS. Bureau letter dated April 10, 1970. (418.44)

T.D. 70-108(34) *Textile articles, nspf. Glass fibers.*—A product consisting of a continuous multifilament yarn or grouped filament surrounded by noncontinuous parallel glass fibers and another multifilament yarn or grouped filament which is intertwined or slightly twisted around the filament and fibers, used as a lead-acid battery separator retainer, classifiable under the provision for articles nspf, of textile materials, in *item 389.60*, TSUS. Bureau letter dated April 16, 1970. (443.56)

T.D. 70-108(35) *Textile articles, nspf. Sponges. Post-op sponges.*—Eighty-ply cotton gauze sponges, 4 inches squares, in packages of one hundred, and four-inch by three-inch post-op sponges consisting of cotton gauze backed with paper, in chief value of cotton, are classifiable under the provision for other articles nspf, of textile materials, not ornamented, in *item 386.50*, TSUS. Bureau letter dated April 14, 1970. (490)

T.D. 70-108(36) *Toys nspf. Toy padlocks.*—Miniature toy padlocks of cheap and flimsy construction, ranging in width from $\frac{5}{8}$ -inch to $\frac{3}{4}$ -inch and not capable of serious use as a locking device, classifiable under the provision for toys, nspf, in *item 737.90*, TSUS. Bureau letter dated April 8, 1970. (492.13)

T.D. 70-108(37) *Waste, nsf. Spent cracking catalyst.*—Spent cracking catalyst, material containing aluminum oxide and lesser amounts of nickel, vanadium, copper, and iron, which has been used in producing gasoline but is no longer suitable for such purposes, since it has become coated and impregnated with inactive materials, and suitable only as a filler, classifiable under the provision for waste and scrap nsf, in *item 793.00*, TSUS. *C.D. 869*, noted. Bureau letter dated April 10, 1970. (417.381)

T.D. 70-108(38) *Wearing apparel, of textile materials. Vests, insulated.*—Men's or boys' insulated vests with a woven nylon outer shell, cotton inner lining, and a cotton-wool wadding sandwiched in between, in chief value of cotton, the quilting stitching that forms an open lattice-work type pattern considered not ornamented for tariff purposes, classifiable under the provision for other men's or boys' wearing apparel, not ornamented, of cotton, vests, in *item 380.33 or 380.36*, TSUS, according to value. *T.D. 69-209(21)*, noted. Bureau letter dated April 10, 1970. (471.3)

T.D. 70-108(39) *Wearing apparel. Rainwear.*—A 2-piece rain-suit, consisting of jacket and trousers, and made of rubberized nylon with the rubber coating on the inside of the garment, with its carrying case of the same material, is classifiable under the provision for other garments designed for rainwear in *item 376.56*, TSUS. Bureau letter dated April 9, 1970. (474.5)

T.D. 70-108(40) *Wigs, toupees, chignons, and similar articles.*—Hair braids, consisting of several strands of man-made fibers which are braided and tied off about 2 inches from the ends, of same class or kind and chiefly used as other hair goods which are used to blend in with and supplement the wearer's hair for personal adornment in creating various hair styles, classifiable under the provision for wigs, toupees, chignons, and similar articles, in *item 790.70*, TSUS. Bureau letter dated April 9, 1970. (473.71)

(T.D. 70-109)

Synopses of Drawback decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 22, 1970.

The following are synopses of drawback rates and amendments issued November 25, 1969, to April 3, 1970, inclusive, pursuant to

sections 22.1 and 22.5, inclusive, Customs Regulations; and approval under section 22.6, Customs Regulations.

(731.1)

ROBERT V. McINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(A) *Acetate flake, cellulose; cellulose triacetate flake; ethylidene diacetate (ETDA).*—T.D. 55526-A, as amended, covering, among other things, Butanol (n-butyl alcohol) manufactured under section 1313(b) by Celanese Corp., New York, N.Y., at its Bay City, Bishop and Pampa, Tex., factories with the use of acetaldehyde, further amended to cover (1) cellulose acetate flake and cellulose triacetate flake manufactured under section 1313(b) at the company's factories located at Cumberland, Md.; Rock Hill, S.C.; Narrows, Va.; and Belvidere and Newark, N.J., with the use of acetic anhydride, and (2) to cover ethylidene diacetate (ETDA) manufactured by the company under section 1313(b) at its Pampa, Tex., factory with the use of acetic anhydride.

Amendment effective on articles manufactured and exported on and after July 1, 1966.

Manufacturer's supplemental statements of February 6, 1970, forwarded to regional commissioners of customs, New York, N.Y., and Houston, Tex., March 20, 1970.

(B) *Aircraft ground power units, self-propelled.*—Manufactured under section 1313(a) by Hobart Bros. Co., Troy, Ohio with the use of imported diesel engines.

Rate effective on articles manufactured and exported on and after June 25, 1969.

Rate issued by regional commissioner of customs, Chicago, Ill., March 2, 1970.

(C) *Bottle caps (crown corks).*—T.D. 54598-A, as amended by T.D. 68-101-C, covering cork rods, cork discs, and bottle caps manufactured under section 1313(a) by Consolidated Cork Corp., at its Brooklyn, N.Y., factory, with the use of imported granulated cork, and covering bottle caps, and lithographed tinplate and/or blackplate manufactured at its Piscataway, N.J., factory with the use of imported electrolytic tinplate and/or blackplate, further amended (1) to cover bottle caps (crown corks) manufactured by the said corporation at its Piscataway, N.J., factory with the use of imported compressed

composition cork rods and compressed composition cork discs, and (2) to provide for the discontinuance of its factory located at Brooklyn, N.Y.

Amendment effective on articles covered by amendment (1) herein which are manufactured and exported on and after January 1, 1967; and (2) on articles manufactured and exported on and after December 29, 1967, date of discontinuance of Brooklyn, N.Y. factory.

Amendment issued by regional commissioner of customs, New York, N.Y., January 7, 1970.

(D) *Butyl rubber compound (M-5-B-1)*.—T.D. 68-230-A, covering the foregoing articles manufactured under section 1313(a) by Colorite Plastics Co., Div. of Rexall Drug & Chemical Co., Los Angeles, Calif., at its factory located at Paterson, N.J., with the use of imported butyl rubber (Polysar 101), *amended* to cover a change in name of company to Colorite Plastics Co., Div. of Dart Industries, Inc., and, to cover change in location of company's factory from Paterson, N.J., to Ridgefield, N.J.

Amendment effective on articles manufactured and exported on and after August 21, 1969.

Amendment issued by regional commissioner of customs, New York, N.Y., January 5, 1970.

(E) *Fish oil, refined*.—T.D. 67-202-0, covering ice cream and milk shake mixes manufactured under section 1313(b) by Swift & Co., Chicago, Ill., at its various factories with the use of liquid and hard refined sugar, further *amended* to cover refined fish oil manufactured under section 1313(a) with the use of imported crude herring oil at its factories located at Chicago and Bradley, Ill.

Amendment effective on articles manufactured on and after April 3, 1967, and exported on and after January 5, 1968.

Amendment issued by regional commissioner of customs, Chicago, Ill., March 12, 1970.

(F) *Foam rubber, lined with burlap (aka Federal Foam)*.—Manufactured under section 1313(a) by Allen Industries, Inc., Detroit, Mich., at its factory located at Rahway, N.J., with the use of imported liquid latex.

Rate effective on articles manufactured and exported on and after October 29, 1969.

Rate issued by regional commissioner of customs, New York, N.Y., February 19, 1970.

(G) *Generator sets, engine driven*.—Manufactured under section 1313(a) by Monarch Engine Corp., Old Greenwich, Conn., with the use of imported diesel engines.

Rate effective on articles manufactured and exported on and after August 1, 1969.

Rate issued by regional commissioner of customs, New York, N.Y., November 25, 1969.

(H) *Herbicides, pre-emergent, wettable powder*.—Manufactured under section 1313(b) by Chapman Chemical Co., Memphis, Tenn., with the use of technical propachlor (Ramrod Technical).

Rate effective on articles manufactured on and after February 5, 1967, and exported in behalf of Monsanto Co. on and after February 7, 1967; and on such articles exported by Chapman Chemical Co. in its own behalf on and after August 11, 1969.

Manufacturer's statements of January 28, 1970, and February 19, 1970, forwarded to regional commissioner of customs, Chicago, Ill., March 31, 1970.

(I) *Netting, tubular, (meat packaging)*.—Manufactured under section 1313(a) by Industrial Knitting, Inc., St. Albans, Vt., with the use of imported pure rubber thread, and elastic yarn manufactured under drawback regulations.

Rate effective on articles manufactured on and after July 12, 1967, and exported on and after December 13, 1967.

Rate issued by regional commissioner of customs, Boston, Mass., March 12, 1970.

(J) *Parts, component, automotive brake*.—Manufactured under section 1313(b) by The Bendix Corp., Detroit, Mich., at its factory located at South Bend, Ind., with the use of plain hot rolled, pickled and oiled, carbon steel sheets in coils.

Rate effective on articles manufactured and exported on and after August 13, 1968.

Manufacturer's statements of March 17, 1969, and January 30, 1970, forwarded to regional commissioner of customs, Chicago, Ill., March 6, 1970.

(K) *Piece goods, bleached, dyed, and/or mercerized*.—Manufactured under section 1313(b) by Graniteville Co., Graniteville, S.C., at the factories of its Gregg Div. and Woodhead Div. in Graniteville, S.C., with the use of greige piece goods.

Rate effective on articles manufactured and exported on and after October 28, 1968.

Manufacturer's statement of October 10, 1969, forwarded to regional commissioner of customs, New York, N.Y., March 3, 1970.

(L) *Piece goods, bonded, backed.*—Manufactured under section 1313(a) by Stoka Industries, Inc., Passaic, N.J., with the use of imported piece goods.

Rate effective on articles manufactured and exported on and after May 21, 1968.

Rate issued by regional commissioner of customs, New York, N.Y., January 13, 1970.

(M) *Pigment dispersions.*—T.D. 49492-D, as extended by T.D.'s 49817-E and 50086-D, covering, among other things, lithopone and titanated lithopone manufactured under section 1313(b) by Interchemical Corp. (Color & Chemicals Div.), New York, N.Y., at its factory located at Newark, N.J., with the use of crude barytes; and T.D. 56215-G, covering textile printing colors manufactured under section 1313(a) by the corporation at its factory located at Hawthorne, N.J., with the use of imported phthalocyanine blue press cake; further amended (1) to cover a change in name of the corporation from Interchemical Corp. to Inmont Corp., and (2) to cover pigment dispersions manufactured under section 1313(a) to Inmont Corp. at an additional factory located at Bound Brook, N.J., with the use of imported pigments.

Amendment effective on articles covered by amendment (1), above, which are manufactured and exported on and after April 15, 1969, and on articles covered by amendment (2), above, which are manufactured and exported on and after June 5, 1969.

Amendment issued by regional commissioner of customs, New York, N.Y., March 10, 1970.

(N) *Pigment dispersions, pigment plasticized pastes, pigment resin chips, pigment resin plasticizer chips, pigment resin solvent ink, and clear resin solutions.*—T.D. 67-202-S, as amended by T.D. 68-23-S, covering pigment dispersions, pigment plasticizer pastes, pigment resin chips, pigment resin plasticizer chips, and pigment resin solvent ink manufactured under section 1313(a) by Custom Chemicals, Co., Inc., East Paterson, N.J., with the use of imported pigments, further amended to cover the foregoing articles and also clear resin solutions manufactured by the said company with the use of imported resins (including urethane resins).

Amendment effective on articles manufactured and exported on and after June 6, 1969.

Amendment issued by regional commissioner of customs, New York, N.Y., February 10, 1970.

(O) *Projectors, overhead.*—Manufactured under section 1313(a) by Buhl Projector Co., Inc., Farmingdale, N.Y., with the use of imported lenses of various sizes.

Rate effective on articles manufactured and exported on and after June 12, 1969.

Rate issued by regional commissioner of customs, New York, N.Y., March 25, 1970.

(P) *Rubber, synthetic.*—T.D. 70-66-R, covering synthetic rubber manufactured under section 1313(b) by Texas-U.S. Chemical Co., Port Neches, Tex., with the use of butadiene and extender oils, *amended* to provide for a change in the effective date for the manufacture of articles covered by that authorization.

Amendment effective on articles manufactured on and after January 1, 1963, and exported on and after March 15, 1963.

Drawback statement of September 22, 1969, was forwarded to regional commissioner of customs, Baltimore, Md., December 29, 1969.

(Q) *Stainless steel sheets, strips, and slitted coils.*—Manufactured under section 1313(a) by Franklin Stainless Corp., Port Washington, N.Y., with the use of imported stainless steel coil.

Rate effective on articles manufactured and exported on and after April 11, 1969.

Rate issued by regional commissioner of customs, New York, N.Y., January 23, 1970.

(R) *Syrups, fruit flavored; and preserves, fruit, crushed.*—T.D. 50861-E, as amended by T.D. 69-172-R, covering the foregoing articles manufactured under section 1313(b) by I. Lefkowitz & Sons, Inc., Brooklyn, N.Y., with the use of refined sugar, liquid refined sugar, and liquid refined invert sugar, further *amended* to cover the said articles manufactured at the above-mentioned factory by Dolly-Baron Corp., Brooklyn, N.Y., *successor*.

Amendment effective on articles exported on and after February 1, 1969, date of succession.

Amendment issued by regional commissioner of customs, New York, N.Y., February 4, 1970.

(S) *Tarpaulins and waterproofed cotton duck in rolls.*—Manufactured under section 1313(a) by The Foster Co., Inc., New Orleans, La., with the use of imported or drawback cotton duck in the greige.

Rate effective on articles manufactured on and after May 5, 1968, and exported on and after May 30, 1968.

Rate issued by regional commissioner of customs, New Orleans, La., March 6, 1970.

(T) *Tubing, beading, rods, and extruded profiles of tetrafluoroethylene resin; extrusions, profiles, shapes and forms of plastics.*—T.D. 55387-I, as amended, covering tubing beading, rods, and extruded profiles of tetrafluoroethylene resin manufactured under section 1313(b) by Pennsylvania Fluorocarbon Co., Inc., Clifton Heights, Pa., with the use of powdered tetrafluoroethylene resin, further *amended* to cover (1) extrusions, profiles, shapes, and forms of plastics manufactured under section 1313(b) with the use of fluoroethylpolypropylene, and (2) such articles manufactured under section 1313(b) by Penn-tube Co., Inc., Div. of Dixon Industries, Inc., Clifton Heights, Pa., *successor*.

Amendment effective on articles covered by (1), above, which are manufactured on and after June 20, 1963, and exported on and after June 20, 1966, and by (2) above, which are exported on and after March 31, 1969, the date of succession.

Manufacturer's supplemental statement of October 30, 1969, forwarded to regional commissioner of customs, Baltimore, Md., March 27, 1970.

(U) *Watches, wrist watches, and watch heads.*—T.D. 52897-I, as amended by T.D.'s 53261-F, 54114-F, and 55639-E, covering the foregoing articles manufactured under section 1313(a) by Accro Watch Co., Inc., New York, N.Y., with the use of imported watch movements and heads, further *amended* to cover a change in location of the corporation's office and factory from 580 Fifth Ave., New York, N.Y., to 39 West 32nd St., New York, N.Y.

Amendment effective on articles manufactured and exported on and after May 1, 1969.

Amendment issued by regional commissioner of customs, New York, N.Y., February 25, 1970.

(V) *Wool products; mohair tops; alpaca tops.*—T.D. 54651-D as amended by T.D.'s 55580-UU and 67-260-B, covering, among other things, various wool products manufactured under section 1313 (a) and (b) by Stillwater Worsted Mills, Inc., Harrisville, R.I., with the use of imported wool, further *amended* to cover the said products manufactured by Stillwater Combing Co., Harrisville, R.I., *successor*.

Amendment effective on articles exported on and after October 1, 1969, the date of succession.

Amendment issued by regional commissioner of customs, Boston, Mass., February 27, 1970.

(W) *Wool or hair products; wool and mohair products.*—T.D. 52079-0 as amended, covering the foregoing products manufactured

under section 1313 (a) and (b) by Forte-Fairbairn, Inc., Boston, Mass., at its factories located at Needham Heights, and Norwood, Mass., with the use of imported wool, hair and mohair, *amended* to cover the foregoing products at its Norwood, Mass., factory by Fairbairn Mgmt. Corp., Norwood, Mass., *successor*.

Amendment effective on articles exported on and after April 1, 1968.

Amendment issued by regional commissioner of customs, Boston, Mass., December 12, 1969.

(X) *Xanthates*.—Manufactured under section 1313 (b) by The Dow Chemical Co., Midland, Mich., at its Pittsburgh, Calif., factory with the use of caustic potash flake.

Rate effective on articles manufactured on and after October 1, 1969, and exported on and after December 1, 1969.

Manufacturer's statement of January 17, 1970, forwarded to regional commissioner of customs, Chicago, Ill., April 3, 1970.

(Y) *Yarn, metallic*.—Manufactured under section 1313 (a) by Met-lon Corp., Stamford, Conn., at its factory located at Providence, R.I., with the use of imported metallized polyester film.

Rate effective on articles manufactured and exported on and after December 4, 1969.

Rate issued by regional commissioner of customs, Boston, Mass., March 30, 1970.

Approval under section 22.6, Customs Regulations

(1) *Bags, cotton*.—T.D. 43483-A, as amended by T.D.'s 44217-C, 55263 (1), covering, among other things, burlap bags manufactured under section 1313 (a) by Werthan Bag Co., Nashville, Tenn., at its Nashville, Tenn., and New Orleans, La., factories with the use of imported jute fabric, *amended* to cover cotton bags manufactured by the said corporation at its foregoing factories with the use of cotton fabrics.

Amendment effective on articles manufactured and exported on and after April 21, 1969.

Manufacturer's supplemental statement of April 21, 1969, approved by regional commissioner of customs, New Orleans, La., November 28, 1969.

(T.D. 70-110)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 30, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from April 13 through April 24, 1970, rate of \$0.284999.

Denmark krone:

April 13, 1970	\$0.133241
April 14, 1970	.133220
April 15, 1970	.133262
April 16, 1970	.133262
April 17, 1970	.133245
April 20, 1970	.133212
April 21, 1970	.133216
April 22, 1970	.133166
April 23, 1970	.133170
April 24, 1970	.133184

Hong Kong dollar:

Official rate of \$0.163750 for the period from March 23 through April 3, 1970, and the following Free rates:

March 23, 1970	\$0.164462
March 24, 1970	.164394
March 25, 1970	.164462
March 26, 1970	.164394
March 27, 1970	No rate
March 30, 1970	Not available
March 31, 1970	Not available
April 1, 1970	Not available
April 2, 1970	Not available
April 3, 1970	Not available

Iran rial:

For the period from March 30 through April 10, 1970, rate of \$0.0130333.

Philippine peso:

Official rate of \$0.256410* and Free rate of \$0.161500* for the period from March 30 through April 10, 1970.

Thailand baht (tical):

For the period from March 30 through April 10, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

MYLES J. AMBROSE,
Commissioner of Customs.

*Certified as nominal rate.

(T.D. 70-111)

Cotton textiles—Restrictions on entry

Restrictions on certain categories of cotton textile products manufactured or produced in Brazil

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., May 4, 1970.

There is published below the directive of April 10, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restrictions on entry into the United States of cotton textile products in categories 31 and 64, manufactured or produced in Brazil.

This directive was published in the Federal Register on April 17, 1970 (35 F.R. 6298), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

April 10, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning March 27, 1970 and extending through March 26, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 31 and 64, produced or manufactured in Brazil, in excess of the following levels of restraint:

<i>Category</i>	<i>Twelve-Month Level¹ of Restraint</i>
31	1,575,000 pieces
64	84,000 pounds

This directive also further amends but does not cancel the directives issued to you on June 6, 1969, and March 19, 1970, by the Chairman of the President's Cabinet Textile Advisory Committee, establishing levels of restraint for the entry into the United States for consumption and the withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 31 and 64, produced or manufactured in Brazil and exported from Brazil during the previous twelve-month period beginning March 27, 1969 and extending through March 26, 1970.

Under the terms of the aforementioned Long-Term Arrangement and in accordance with the procedures outlined in the aforementioned Executive Orders, pursuant to a request by the Government of Brazil, and under the terms of the aforementioned directives of June 6, 1969, and March 19, 1970, the levels of restraint applicable to cotton textiles and cotton textile products in Categories 31 and 64, produced or manufactured in Brazil and exported to the United States from Brazil during the twelve-month period beginning March 27, 1969, and ex-

¹ These levels have not been adjusted to reflect entries made on or after March 27, 1970.

tending through March 26, 1970, are hereby further amended as follows, to be effective as soon as possible:

<i>Category</i>	<i>Amended Twelve-Month Levels of Restraint¹</i>
31	1,121,094 pieces
64	108,665 pounds

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 31 and 64, produced or manufactured in Brazil, which have been exported to the United States from Brazil prior to March 27, 1970, shall, to the extent of any unfilled balances, be charged against the adjusted levels of restraint established for such goods for the twelve-month period beginning March 27, 1969, and extending through March 26, 1970. In the event that the above levels of restraint has been exhausted by previous entries, such goods shall be subject to the levels of restraint set forth in this letter for the period beginning March 27, 1970 and extending through March 26, 1971.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

¹ These levels have not been adjusted to reflect entries made on or after March 27, 1970.

(T.D. 70-112)

*Special tonnage tax and light money—Austria—Customs Regulations
amended*

Foreign discriminating duties of tonnage and impost with respect to vessels of
and certain imports from Austria suspended and discontinued; section 4.22,
Customs Regulations, amended

TREASURY DEPARTMENT,
Washington, D.C., April 28, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

The Secretary of State advised the Secretary of the Treasury on March 16, 1970, that the Department of State has obtained satisfactory proof from Austria that as of March 2, 1970, no discriminating duties of tonnage or imposts are imposed or levied in ports of Austria upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Austria in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15346), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of Austria, and the produce, manufactures, or merchandise imported into the United States in such vessels from Austria or from any other foreign country. This suspension and discontinuance shall take effect as of March 2, 1970, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, section 4.22, Customs Regulations, is amended by the insertion of "Austria" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141.)

(214.1)

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register May 9, 1970 (35 F.R. 7299)]

(T.D. 70-113)

*Special tonnage tax and light money—Mauritius—Customs
Regulations amended*

Foreign discriminating duties of tonnage and impost with respect to vessels of and certain imports from Mauritius suspended and discontinued; section 4.22, Customs Regulations, amended

TREASURY DEPARTMENT,
Washington, D.C., April 29, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

The Secretary of State has advised the Secretary of the Treasury that the Department of State has obtained from the Government of Mauritius satisfactory evidence that since March 12, 1968, no discriminating duties of tonnage or imposts have been imposed or levied in ports of Mauritius upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Mauritius in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects vessels of the Government of Mauritius, and the produce, manufactures, or merchandise imported into the United States in such vessels from

Mauritius or from any other foreign country. This suspension and discontinuance shall take effect from March 12, 1968, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, section 4.22, Customs Regulations, is amended by the insertion of "Mauritius" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141.)

(214.1)

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register May 9, 1970 (35 F.R. 7299)]

(T.D. 70-114)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong, dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., May 4, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from April 27 through May 1, 1970, rate of \$0.284999.

Denmark krone:

April 27, 1970	-----	\$0.133162
April 28, 1970	-----	.133154
April 29, 1970	-----	.133204
April 30, 1970	-----	.133131
May 1, 1970	-----	.133166

Hong Kong dollar:

Official rate of \$0.163750 for the period from April 6, through April 17, 1970, and the following Free rates:

April 6, 1970	-----	No rate
April 7, 1970	-----	\$0.164462
April 8, 1970	-----	.164394
April 9, 1970	-----	.164496
April 10, 1970	-----	.164394
April 13, 1970	-----	.164530
April 14, 1970	-----	.164598
April 15, 1970	-----	.164530
April 16, 1970	-----	.164598
April 17, 1970	-----	.164530

Iran rial:

For the period from April 13 through April 24, 1970, rate of \$0.0130333.

Philippine peso:

Official rate of \$0.256410 * and Free rate of \$0.161500 * for the period from April 13 through April 24, 1970.

Thailand baht (tical):

For the period from April 13 through April 24, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,

Acting Commissioner of Customs.

*Certified as nominal rate.

(T.D. 70-115)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., May 7, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.

(133.121)

ROBERT V. McINTYRE,

Assistant Commissioner,

Office of Regulations and Rulings.

TARIFF CLASSIFICATION

T.D. 70-115(1) *Articles, nspf, of beads. Rice bead curtain.*—Various colored strands of beads made from floured rice grains and fused to strings which hang vertically from a horizontal wood bar, to which they are connected, used as curtains, classifiable under the provision for articles, nspf, of beads, in *item 741.50*, TSUS. Bureau letter dated April 23, 1970. (475.3)

T.D. 70-115(2) *Articles, nspf, of textile materials. Nylon fumigation sheets.*—Nylon fumigation sheets, consisting of knitted nylon fabric coated or filled with plastic materials, imported in specific sizes and further processed by an application of a sealant on the seams of the merchandise, classifiable under the provision for articles, nspf, of textile materials, in *item 389.40*, TSUS, and not under the provision for woven or knit fabrics, coated or filled with plastics materials, in *item 355.81*, TSUS, as that provision does not contemplate products in other than material form. *T.D. 66-30(7)*, noted. Bureau letter dated April 16, 1970. (418.44)

T.D. 70-115(3) *Electrical articles, nspf. Fluoroscope.*—Fluoroscope, a device with a "T" square, specially designed to lock in a stencil and illuminate it for tracing and drawing, classifiable under the provision for electrical articles, nspf, in *item 688.40*, TSUS. Bureau letter dated April 23, 1970. (426.852)

T.D. 70-115(4) *Electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus. Automatic tablet and capsule balance.*—Instrument used to weigh and record selections of tablets and capsules of various sizes, shapes, and weights, operation of which depends on electrical phenomenon which varies according to weight, classifiable under the provision for electrical measuring instruments and apparatus, in *item 712.49*, TSUS. Bureau letter dated April 23, 1970. (431)

T.D. 70-115(5) *Electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus. Microspectrophotometer.*—Microspectrophotometer used for the analyzing of microscopic objects by means of a light source and a photoelectric cell, with electrical energy control, recorder, and microscope used merely to locate specimens, classifiable under the provision for other electrical measuring, checking, analyzing instruments, in *item 712.49*, TSUS. Bureau letter dated April 21, 1970. (426.846)

T.D. 70-115(6) *Flashlights, battery operated.*—Battery operated flashlights, made in shape of a derringer, classifiable under the pro-

vision for flashlights in *item 683.70*, TSUS. Bureau letter dated April 22, 1970. (492.1)

T.D. 70-115(7) *Hose, pipe, and tubing, of rubber or plastics, suitable for conducting gases. Mine ventilation tubing.*—Mine ventilation tubing made of woven fabrics coated with synthetic rubber or plastic, classifiable under the provision for hose, pipe, and tubing, nsfp, of rubber or plastics, suitable for conducting gases, in *item 772.65*, TSUS. Bureau letter dated April 23, 1970. (465.251)

T.D. 70-115(8) *Hydrocarbons. Isoprene.*—Isoprene monomer, used in the production of polyisoprene synthetic rubber, is classifiable under the provision for other hydrocarbons in *item 429.52*, TSUS. Bureau letter dated April 16, 1970. (418.41)

T.D. 70-115(9) *Luggage and handbags.*—Women's handbags made of flexible cotton textile fabric which is coated or laminated with polyvinyl chloride or polyurethane simulating a leather appearance, the nontransparent plastics forming the outer surface, such handbags are classifiable under the provision for luggage and handbags, of other materials, in *item 706.60*, TSUS. *Headnote 5 of Schedule 3*, noted. Bureau letter dated April 21, 1970. (475.443)

T.D. 70-115(10) *Machinery for cleaning or drying bottles or other containers. Dish washing machines.*—Machine for washing laboratory glassware and plastic ware, with stainless steel washing chamber and lid, and employing water jet streams, temperature control, and an electric heater for drying, classifiable under the provision for machinery for cleaning or drying bottles or other containers and dish washing machines in *item 662.20*, TSUS. Bureau letter dated April 23, 1970. (431.3)

T.D. 70-115(11) *Ornamented wearing apparel. T-shirt.*—Child's cotton and rayon knit shirt, in chief value of rayon, with an embroidered design of thread of a non-contrasting color at the bottom hem resembling an inverted "U" and measuring approximately $\frac{1}{2}$ -inch overall, not hidden nor designed to be removed and serving no apparent function is ornamented and classifiable under the provision for infants wearing apparel, ornamented, of man-made fibers, in *item 382.04*, TSUS. *Headnotes 3(a)(i)(A) and 3(b)*, *Schedule 3*, TSUS, noted. Bureau letter dated April 17, 1970. (471.3)

T.D. 70-115(12) *Reinforced paper.*—Paper which is used in the building industry for moisture control in roofing and similar places, consisting of sulphate paper which is coated or impregnated with asphalt and embedded strands of fiberglass, and covered on one side with a layer of lead, is considered reinforced paper in accordance with

the *definition* therefor in *The Dictionary of Paper* published by the American Paper and Pulp Association; if imported not cut to size or shape, classifiable under the provision for cloth-lined or reinforced paper, in *item 253.35*, TSUS; if imported cut to size or shape, classifiable under the provision for other paper, nspf, in *item 256.30*, TSUS. *Headnote 2(b), Part 4 of Schedule 2*, defining the term "cut to size or shape," noted. Bureau letter dated April 21, 1970. (483.65)

T.D. 70-115(13) *Revolvers.*—Revolver, .22 caliber, taking short, long, or long rifle .22-caliber cartridges, and an extra cylinder taking .22-caliber magnum ammunition, classifiable as an entirety under the provision for revolvers valued over \$8 each in *item 730.19*, TSUS. Bureau letter dated April 23, 1970. (426.832)

T.D. 70-115(14) *Stoves and ranges, cooking, electric, and parts thereof. Magnetron.*—A specially designed energy source for microwave ovens, classifiable under the provision for electric cooking stoves and ranges and parts thereof, in *item 684.30*, TSUS. Bureau letter dated April 23, 1970. (431.8)

VESSELS

T.D. 70-115(15) *Vessels; consolidated immediate transportation entries.*—When containerized cargo is transhipped in a domestic port to a properly documented United States vessel for transportation to another domestic port, Customs Form 7512, with an extract of the importing vessel's manifest attached thereto, may be prepared covering all such cargo proceeding to one consignee at one destination. Although the group of containers while traveling intact may be transferred between vessels operated by or for the account of the carrier who signed for the goods, the containers must always travel as a group between the ports at which the in-bond movement commences and terminates without any intermediate stuffing or unstuffing. Diversions will be permitted only when all the containerized cargo covered by the consolidated in-bond entry is diverted together (at the same time, place, etc.). The in-bond document covering such a group of containers must show the value of the merchandise. The number of containers involved in the movement must be noted on Form 7512 and each page of the manifest must show the I.T. number. Of course, if the merchandise remained residue foreign cargo, that is, was neither entered for consumption nor covered by an immediate transportation entry, it could not be carried between domestic ports by a vessel of the United States documented for the coastwise trade (see 46 U.S.C. 325). Bureau letter dated March 17, 1970. (191.9)

(T.D. 70-116)

Merchandise subject to forfeiture—Customs Regulations amended

Section 23.16(a), Customs Regulations, relating to advertisement of notice of seizure and intent to dispose of merchandise subject to forfeiture, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

Section 23.16(a) of the Customs Regulations now requires the District Director of Customs to advertise in a newspaper of general distribution the intention to forfeit and sell or otherwise dispose of according to law property valued between \$250 and \$2,500 which is subject to forfeiture. In view of the limited circumstances in which claims to seized narcotics and dangerous drugs can be allowed, adequate notice of seizure and intent to forfeit these items would be provided by posting notices in the customhouse and advertisement in a newspaper represents a needless expense.

Accordingly, the last two sentences of section 23.16(a), Customs Regulations, are amended to read as follows:

When the appraised value of any property in one seizure from one person, other than narcotics and dangerous drugs, exceeds \$250, the notice shall be published in a newspaper of general circulation in the customs collection district and the judicial district in which the property was seized. In all other cases, the notice shall be published by posting in a conspicuous place accessible to the public in the customhouse nearest the place of seizure and in the customhouse at the headquarters port for the Customs collection district, with the date of posting noted thereon, and shall be kept posted for at least 3 successive weeks.

(Secs. 607, 624, 46 Stat. 754, as amended, 759; 19 U.S.C. 1607, 1624.)

Notice of proposed rule making was published in the Federal Register for February 28, 1970 (35 F.R. 3914). Interested persons were given an opportunity to submit relevant data, views, or arguments in writing regarding the proposed amendments. No comments were received.

Effective date: This amendment shall become effective 30 days after publication in the Federal Register.

(631.21)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved May 6, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register May 16, 1970 (35 F.R. 7645)]

(T.D. 70-117)

Special tonnage tax and light money—Malaysia— Customs Regulations amended

Foreign discriminating duties of tonnage and impost with respect to vessels of and certain imports from Malaysia suspended and discontinued; section 4.22, Customs Regulations, amended

TREASURY DEPARTMENT,
Washington, D.C., May 5, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

The Secretary of State advised the Secretary of the Treasury on March 31, 1970, that the Department of State has obtained from the Government of Malaysia satisfactory evidence that since March 12, 1970, no discriminating duties of tonnage or imposts have been imposed or levied in ports of Malaysia upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Malaysia in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects vessels of the Government of Malaysia, and the produce, manufactures, or merchandise

imported into the United States in such vessels from Malaysia or from any other foreign country. This suspension and discontinuance shall take effect from March 12, 1970, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, section 4.22, Customs Regulations, is amended by the insertion of "Malaysia" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141.)

(214.1)

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register May 16, 1970 (35 F.R. 7645)]

(T.D. 70-118)

Tuna fish—Tariff-rate quota

The tariff-rate quota for the calendar year 1970 on tuna classifiable under item 112.30, Tariff Schedules of the United States

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., May 12, 1970.

Pursuant to the provisions of item 112.30, Tariff Schedules of the United States, it has been determined that 70,145,924 pounds of tuna may be entered for consumption or withdrawn from warehouse for consumption during the calendar year 1970 at the rate of 8.5 per centum ad valorem under item 112.30. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 17 per centum ad valorem under item 112.34 of the tariff schedules.

The above quota is based on the United States pack of canned tuna during the calendar year 1969, as reported by the United States Fish and Wildlife Service.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

[Published in the Federal Register May 16, 1970 (35 F.R. 7660)]

(T.D. 70-119)

Reimbursable services—Excess cost of preclearance operations

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., May 11, 1970.

Notice is hereby given that pursuant to section 24.18(d), Customs Regulations (19 CFR 24.18(d)), the bi-weekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning May 17, 1970:

<i>Installation</i>	<i>Bi-weekly excess cost</i>
Montreal, Canada.....	\$2,767
Toronto, Canada.....	4,013
Kindley Field, Bermuda.....	836
Nassau, Bahama Islands.....	5,416
Vancouver, Canada.....	1,536
Winnipeg, Canada.....	401
(140.5)	

MYLES J. AMBROSE,
Commissioner of Customs.

[Published in the Federal Register May 20, 1970 (35 F.R. 7746)]

(T.D. 70-120)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., May 14, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.

(133.121)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

TARIFF CLASSIFICATION

T.D. 70-120(1) *Articles nspf, of plastics. Shoe material.—Expanded polyvinyl chloride with woven rayon reinforcement laminated*

to a reconstituted leather substrate in rolls 1.5 mm. thick, 54 inches wide, and 100 yards long, used in the manufacture of footwear and in chief value of the polyvinyl chloride, is classifiable under the provision for other articles nspf, of plastics, in *item 774.60*, TSUS. Bureau letter dated April 27, 1970. (465.201)

T.D. 70-120(2) *Articles nspf, of plastics. Tracing film.*—Tracing film of polyester plastic with a series of small rectangular perforations along one edge is classifiable under the provision for other articles nspf, of plastics, in *item 774.60*, TSUS. Bureau letter dated April 24, 1970. (475.442)

T.D. 70-120(3) *Articles of copper, not coated or plated with precious metal. Facsimiles of numismatic specimens.*—Circular medal $1\frac{3}{4}$ inches in diameter, containing a stamping 1 inch in diameter of a facsimile of a numismatic specimen, with Hebrew and English inscriptions on the obverse and a scenic view with Hebrew and English inscriptions on the reverse, classifiable under the provision for articles of copper, not coated or plated with precious metal, if bronze, in *item 657.35*, TSUS; or, if of cupro-nickel, in *item 657.30*, TSUS. Bureau letter dated April 30, 1970. (426.76)

T.D. 70-120(4) *Brooms and brushes, other.*—Brushes of styrene monofilament set in strips of polyethylene plastic, which will be completed as brooms by the addition of metal cases and handles, classifiable under the provision for other brooms and brushes, in *item 750.70*, TSUS. Bureau letter dated April 28, 1970. (418.44)

T.D. 70-120(5) *Carbon. Acetylene black.*—Acetylene black is classifiable under the provision for chemical elements in any form, carbon, in *item 415.15*, TSUS, and not under the provision for carbon black in *item 473.04*, TSUS. Bureau letter dated May 4, 1970. (411.3)

T.D. 70-120(6) *Containers, of textile materials. Seamless knitted tubing.*—Seamless knitted tubing of man-made textile fibers, about 18 inches long and $5\frac{1}{2}$ inches wide at the middle, tapering to wider, open-necked flared ends, referred to as "Stockingetts," used as a holder or container for material consisting of filaments, and capable of reuse, classifiable under the provision for bags and sacks, or other shipping containers, of textile materials, of man-made fibers, in *item 385.53*, TSUS. Bureau letter dated April 27, 1970. (471)

T.D. 70-120(7) *Electrical articles nspf. Corona discharge treater.*—Corona discharge treater, consisting of a wall-mounted cabinet containing solid state circuitry, meters, and controls, with a remote power source, in which power is transmitted to an electrode or discharge bar where film is exposed to corona discharge to prepare the

film for the application of printing or adhesive materials, classifiable under the provision for electrical articles nspf, in *item 688.40*, TSUS. Bureau letter dated May 1, 1970. (431)

T.D. 70-120(8) *Electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus. Power monitor system.*—Power monitor system, consisting of two units, a power unit containing transformers, and a power monitor unit containing solid state circuitry, various indicators, and controls, used for measuring the actual power consumption of electric motors used in grinding operations and other motors, classifiable as an entirety under the provision for other electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus, in *item 712.49*, TSUS. Bureau letter dated May 1, 1970. (431)

T.D. 70-120(9) *Hardboard. Primed siding.*—A board produced from fibrous wood pulp bound with resins, having a density of 43 to 47 pounds per cubic foot and a modulus of rupture of 4,000 pounds per square inch, imported as primed siding for building construction in sizes of 1 foot by 12 or 16 feet and in thicknesses of $\frac{3}{8}$ -inch, $\frac{7}{16}$ -inch, and $\frac{1}{2}$ -inch, edges rounded and face and edges primed, is within the meaning of the term "hardboard," as evidenced in *Commercial Standard CS 251-63*. The variance between the ranges of density (43-47 pounds and 50-80 pounds) does not take this primed board siding out of the classification for hardboard. This material is classifiable under the provision for other hardboard, in *item 245.30*, TSUS. T.D.'s 56124(14) and 67-52(2), noted and followed. Bureau letter dated April 27, 1970. (481.32)

T.D. 70-120(10) *Machines nspf. Roll separator.*—Automatic machine used to "size" the thickness of watch parts and either select or reject them, classifiable under the provision for machines nspf, in *item 6,78.50*, TSUS. Bureau letter dated April 28, 1970. (426.846)

T.D. 70-120(11) *Men's wearing apparel. Shirt.*—Woven long-sleeved man's shirt of man-made fibers with lace insert in each sleeve extending from the shoulder to the top of the cuff, is ornamented within the meaning of *Headnote 3 to Schedule 3*, TSUS, and classifiable under the provision for other men's wearing apparel, ornamented, or man-made fibers, in *380.04*, TSUS. Bureau letter dated April 27, 1970. (474.5)

T.D. 70-120(12) *Musical instruments. Mechanical singing birds in cages.*—Mechanical singing bird in a cage or in a box, spring wound, with very small bellows creating the whistling sound of a bird, classifiable as other musical instruments under *item 725.52*, TSUS. Bureau letter dated April 28, 1970. (491.62)

T.D. 70-120(13) *Ornamented wearing apparel. Nightgowns.*—A semi-finished cotton flannel nightgown with ruffles of the same fabric as the nightgown at the neck, the seam which joins the yoke to the sleeve and body of the garment, and at the cuffs is ornamented by reason of the ruffle at the yoke which serves no apparent function; a similar semi-finished cotton flannel nightgown with embroidered edging on the yoke, sleeves, and neck is ornamented within the meaning of *Headnote 3(a) (iii) to Schedule 3, TSUS*. Both garments are classifiable under the provision for ornamented women's, girls', or infants' wearing apparel, of cotton, in *item 382.00, TSUS*. Bureau letter dated April 30, 1970. (471.313)

T.D. 70-120(14) *Other wearing apparel. Man's shirt.* Short-sleeved man's shirt, in chief value of man-made fibers, having four strips of $1\frac{3}{8}$ inch wide tucked material running from the bottom of the yoke to the bottom of the shirt on the back panel and a similar $1\frac{3}{8}$ inch wide strip of tucked material running from the bottom of the yoke to the bottom of the shirt on the left and right front panels, none of the strips serving any apparent utilitarian purpose, is ornamented and classifiable under the provision for other men's or boys' wearing apparel, ornamented, of man-made fibers, in *item 380.04, TSUS*. Bureau letter dated April 27, 1970. (471.3)

T.D. 70-120(15) *Paints and pigments. Sets.*—A kit consisting of a cardboard container of six small cans of different colored paints, designed to enable the model builder to paint models in authentic colors, is classifiable under the provision for artists', students', and children's pigments and paints, assembled into sets, with or without brushes or other articles, not over 1.5 pounds in net weight, in *item 474.08, TSUS*. Bureau letter dated April 27, 1970. (492.125)

T.D. 70-120(16) *Paperboard cut to shape. Paperboard not cut to size or shape. Book cloth.*—Embossed, pyroxyline coated paperboard book cloth, 0.030 inch thick, classifiable under the provision for other paperboard cut to size or shape, nspf, in *item 256.30, TSUS*, if in rolls or strips not exceeding 6 inches in width or in rectangular sheets not exceeding 15 inches in either length or width; or in *item 251.51, TSUS*, if in rolls, strips, or rectangular sheets exceeding those dimensions. Bureau letter dated April 24, 1970. (475.442)

T.D. 70-120(17) *Pens and pencils, ball-point.*—Pen, made up of a molded plastic holder and cap with a metal pocket clip, and equipped with an ink reservoir which tapers to a non-porous plastic writing tip which houses a rolling ball for transferring ink to a writing surface, classifiable under the provision for ball-point pens in *item 760.05, TSUS*. These pens precluded from classification under *item 760.15,*

TSUS, because they do not have wick-like tips of felt or other material which is porous and capable of being saturated with ink. Bureau letter dated April 16, 1970. (496.2)

T.D. 70-120(18) Photocells, solar cells.—Cadmium sulfide and silicon solar cells or photovoltaic batteries, for use as a power source in space satellites, classifiable under the provision for photocells, in *item 687.60*, TSUS. Bureau letter dated April 30, 1970. (426.77)

T.D. 70-120(19) Photographic cameras, other, fixed focus.—Photographic unit with an electronic flash unit, used in a radar system for traffic speed law enforcement, classifiable under the provision for photographic cameras, other, fixed focus, in *item 722.12*, TSUS, and not classifiable as an entirety with the radar system. Bureau letter dated April 27, 1970. (431.54)

T.D. 70-120(20) Photographic film, sensitized but not exposed. Diazo transparencies.—Flexible transparent polyester film, sensitized but not exposed, in sheets or rolls, for black or sepia lined Diazo transparencies or films, matte on one side, classifiable under the provision for photographic film, sensitized but not exposed, other, in *item 723.15*, TSUS. Bureau letter dated April 27, 1970. (443.62)

T.D. 70-120(21) Printed matter, textual. Brochures, folders, and inserts.—Brochures, folders, and inserts relating to certain insurance programs, designed for distribution by sales personnel, lithographically printed on paper not over 0.02-inch in thickness, classifiable under the provision for printed matter, nspf, in *item 274.75*, TSUS; if lithographically printed on paper over 0.02-inch in thickness, classifiable under *item 274.80*, TSUS. Bureau letter dated April 27, 1970. (484.3)

T.D. 70-120(22) Radar apparatus. Traffic speed law enforcement radar system.—Traffic speed law enforcement radar system consisting of a control unit remaining in police car and a tranceiver for sending and receiving the radar beam, classifiable under the provision for radar apparatus in *item 685.60*, TSUS, and not classifiable as an entirety with photographic unit included with the system. Bureau letter dated April 27, 1970. (431.54)

T.D. 70-120(23) Signalling apparatus, electrical, sound or visual. Sound-emitting unit.—Small circular sound-emitting unit for use in electric horns, classifiable as electrical signalling apparatus and parts thereof under *item 685.70*, TSUS. Bureau letter dated April 29, 1970. (431)

T.D. 70-120(24) Soups, soup rolls, soup tablets, or cubes.—Kangaroo tail and turtle soups in canned concentrated form, served by add-

ing equal quantities of water or milk and heating, are classifiable under the provisions of soups, soup tablets, or cubes, and other soup preparations, in *item 182.52*, TSUS. Bureau letter dated April 30, 1970. (452.503)

T.D. 70-120(25) *Textile materials, nspf. Quilted fabric.*—Quilted fabric, of cotton, having man-made fiber filling, imported in material lengths, classifiable under the provisions for textile fabric, nspf, in *item 359.10*, TSUS. T.D. 56237 (35), noted and distinguished. Bureau letter dated April 27, 1970. (471.252)

(T.D. 70-121)

Customs Relations with Canada and Mexico—Customs Regulations revised

Part 5, Customs Regulations, revised and redesignated as Part 123; Parts 4, 10, 18, 23, and 24 amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

On January 20, 1970, notice of proposed rule making regarding revision of Part 5 of title 19 of the Code of Federal Regulations was published in the Federal Register (35 F.R. 767). Interested persons were given 60 days in which to submit written comments, suggestions, or objections regarding the proposed revision. No objections were received.

The revision of Part 5 is a part of the general revision of the Customs Regulations which includes a rearrangement of the sequence of parts in Chapter I of title 19 of the Code of Federal Regulations. As part of this rearrangement Part 5 is redesignated as Part 123.

The proposed revision of Part 5 and the conforming amendments to Parts 4, 10, 18, 23, and 24, are hereby adopted, subject to the following changes:

1. Part 5 of Chapter I of title 19 of the Code of Federal Regulations is redesignated as Part 123.
2. The conforming amendments to Parts 4, 10, 18, 23, and 24 are changed to reflect the redesignation.

As part of the revision there is included a parallel reference table showing the relationship between the newly adopted sections and those which they supersede in 19 CFR Parts 5, 10, and 18.

The revision and conforming amendments are set forth below.

Effective date. This revision and the conforming amendments shall become effective 30 days after the date of publication in the Federal Register.

(014.1)

EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved May 12, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register May 26, 1970 (35 F.R. 8214)]

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

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SUBPART H—MISCELLANEOUS PROVISIONS

- 123.71 Merchandise found in building on the boundary.
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Authority: The provisions of this Part 123 issued under R.S. 251, sec. 624, 46 Stat. 759, 77A Stat. 14; 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnte. 11), 1624. Additional authority is cited in the text or following the sections affected.

123.0 Scope.—This part contains special regulations pertaining to Customs procedures at the Canadian and Mexican borders. Included are provisions governing report of arrival, manifesting, unlading and lading, instruments of international traffic, shipments in transit through Canada or Mexico or through the United States, commercial traveler's samples transiting the United States or Canada, and baggage arriving from Canada or Mexico including baggage transiting the United States or Canada or Mexico. Aircraft arriving from or departing for Canada or Mexico are governed by the provisions of Part 6 of this chapter. The arrival of vessels of less than 5 net tons

by sea and of all vessels 5 net tons or over, and the clearance of all vessels departing for Canada or Mexico are governed by the provisions of Part 4 of this chapter.

SUBPART A—GENERAL PROVISIONS

123.1 Report of arrival from Canada or Mexico and permission to proceed.—(a) *Persons.* Any person arriving otherwise than in a vessel or vehicle from Canada or Mexico, who is importing or bringing in baggage or merchandise with him, shall immediately report his arrival to the Customs officer at the port of entry or customhouse nearest the place at which the boundary was crossed and shall not proceed until permission to proceed is granted.

(b) *Vehicles.* The person in charge of every vehicle arriving in the United States from Canada or Mexico, whether or not the vehicle is carrying passengers, baggage, or merchandise, shall immediately report arrival to the Customs officer at the port of entry or customhouse nearest the place at which the boundary was crossed and shall not proceed until permission to proceed is granted.

(c) *Vessels.*

(1) *Less than 5 net tons arriving otherwise than by sea.* The master of every vessel of less than 5 net tons arriving from Canada or Mexico otherwise than by sea, if carrying baggage or other merchandise, shall immediately report arrival to the Customs officer at the port of entry or customhouse nearest the point at which the vessel entered the territorial waters of the United States and shall not proceed until permission to proceed is granted.

(2) *Other vessels.* For requirements applicable to vessels of less than 5 net tons arriving by sea, and to vessels of 5 net tons or over, see sections 4.2 and 4.3 of this chapter.

(Sec. 459, 46 Stat. 717, as amended; 19 U.S.C. 1459)

123.2 Penalty for failure to report arrival or for proceeding without a permit.—(a) *Vehicles.* Whether or not a vehicle is carrying passengers, baggage, or merchandise, the penalty of \$100 imposed by section 460, Tariff Act of 1930, as amended (19 U.S.C. 1460), for failure to report or for proceeding inland without a permit applies.

(b) *Vessels of less than 5 net tons.* The penalty imposed by section 460, Tariff Act of 1930, as amended (19 U.S.C. 1460), for failure to report or for proceeding inland without a permit applies only when such vessels are carrying baggage or merchandise.

(Sec. 460, 46 Stat. 717, as amended; 19 U.S.C. 1460)

123.3 Inward foreign manifest required.—(a) *General requirement.* Baggage or other merchandise carried on a vehicle or on a

vessel of less than 5 net tons arriving otherwise than by sea from Canada or Mexico shall be listed on a manifest as prescribed by section 123.4. Vessels which are required to make entry under section 4.3 of this chapter because they are arriving by sea or are 5 net tons or over shall have manifests on board as provided in section 4.7(a) of this chapter.

(b) *Exception where in possession of traveler.* When baggage arrives in the actual possession of a traveler, his declaration will be accepted in lieu of a manifest. Merchandise imported by a person otherwise than in a vessel or vehicle need not be covered by a manifest but shall be presented for inspection, and entry shall be made in accordance with the applicable laws and regulations.

(Sec. 459, 46 Stat. 717, as amended; 19 U.S.C. 1459)

123.4 Inward foreign manifest forms to be used.—The inward foreign manifest required by section 123.3 for a vehicle or a vessel of less than 5 net tons arriving in the United States from Canada or Mexico otherwise than by sea with baggage or merchandise, shall be on Customs Form 7533, except as provided for shipments in transit in Subparts C, D, E, F, and G, and in the following special cases:

(a) For merchandise free of duty entered on Customs Form 7523, the same form may be used as a manifest in lieu of other forms. (See sec. 8.51a of this chapter.)

(b) For dutiable merchandise not exceeding \$250 in value entered on Customs Form 5119-A, the same form may be used as a manifest in lieu of other forms. (See sec. 8.51 of this chapter.)

(c) For a shipment not exceeding \$250 in value consisting of articles of American origin entered free of duty under the provisions of section 10.1(f) and imported in a vehicle, Customs Form 3311 used in entering the goods, in duplicate, may be accepted in lieu of a manifest.

(d) For baggage arriving in baggage cars, Customs Form 7533-A shall be used. (See subpart G of this part.)

123.5 Certification and filing of inward foreign manifest.—The manifest listing baggage and other merchandise, certified by the master of the vessel or the person in charge of the vehicle, shall be presented to the Customs officer at the time the report of arrival is made. It shall be filed in the original only, unless additional copies are required in this part.

123.6 Train sheet for arriving railroad trains.—The conductor of a railroad train arriving from Canada or Mexico shall present to the Customs officer at the port of arrival individual car manifests and a train sheet, sometimes called a consist, bridge sheet or trip sheet, listing each car and showing the car numbers and initials.

123.7 Manifest used as an entry for unconditionally free merchandise valued not over \$250.—When a shipment not exceeding \$250 in value which is unconditionally free of duty and not subject to quota or to internal revenue tax arrives on a vessel of less than 5 net tons arriving otherwise than by sea, the inward foreign manifest on Customs Form 7533 may be presented in duplicate and used as an entry if:

(a) No merchandise for a different entrant is listed on the same page of the manifest,

(b) The country of exportation of the merchandise, its value, and the provision of law under which free entry is claimed are noted thereon, and

(c) Evidence of the right to make entry is furnished as required by section 8.6 of this chapter.

(Sec. 498(a), 46 Stat. 728, as amended; 19 U.S.C. 1498(a))

123.8 Permit or special license to unlade or lade a vessel or vehicle.—(a) *Permission to unlade or lade.* Before any passenger or merchandise, including baggage, may be landed or discharged from any vessel of less than 5 net tons arriving from Canada or Mexico by any route, or from a vehicle, permission to unlade shall be obtained from a Customs officer. Permission to unlade at night, on a Sunday or holiday, or to lade at night on a Sunday or holiday merchandise requiring Customs supervision, shall be obtained from the district director of Customs. Permission to unlade is not required for a vessel of less than 5 net tons arriving otherwise than by sea carrying no baggage or other merchandise. For permission to unlade or lade for vessels of 5 net tons or over, see section 4.30 of this chapter.

(b) *Application for permit or special license to unlade or lade.*

(1) *Permit to unlade during regular hours.* Application for a permit to unlade any vehicle or a vessel of less than 5 net tons may be made and permission may be granted orally. The district director of Customs may require that the application and permission to unlade be on Customs Form 3171.

(2) *Special license to unlade or lade at night, on a Sunday or holiday.* Application for permission to unlade passengers or merchandise from, or lade any merchandise requiring Customs supervision on, a vessel of less than 5 net tons or a vehicle arriving from or departing for Canada or Mexico by any route at night, on a Sunday or holiday, and requests for any reimbursable overtime services shall be made on Customs Form 3171. In the discretion of the district director of Customs and under such conditions as he may deem advisable the application may be made orally for vessels of less than 5 net tons and vehicles not carrying persons or property for hire, but requests for reimburse-

ble overtime services shall be on Customs Form 3171. The district director may authorize Customs inspectors to approve the request for overtime services and to grant oral permission to unlade or lade.

(c) *Cash deposit or bond for overtime services.* A request for reimbursable overtime services shall not be approved unless the required cash deposit or bond on Customs Form 7567, 7569, or 7597 shall have been received. However, when a carrier has on file a bond on Customs Form 3587, no further bond shall be required if the merchandise, including baggage, is covered by an entry for transportation in bond.

(d) *Term permit or special license.* A permit or special license required by this section may be issued on a term basis in the manner, and under the conditions applicable, described in section 4.30(f) or (g) of this chapter.

(Secs. 448, 450, 451, 452, 453, 454, 459, 46 Stat. 714, 715, as amended, 716, 717, as amended; 19 U.S.C. 1448, 1450 1451, 1452, 1453, 1454, 1459)

SUBPART B—INTERNATIONAL TRAFFIC

123.11 Supplies on international trains.—(a) *Articles acquired abroad.* Articles subject to internal revenue tax and other merchandise acquired abroad constituting supplies arriving on international trains crossing and recrossing the boundary line, for which the train crew elects not to file an inventory as provided for in paragraph (b) of this section, shall be subject to duty and tax unless locked or sealed in a separate compartment or locker upon arrival, and the lock or seal remains unbroken until the train departs from the United States at the final port of exit.

(b) *Inventory procedure.* Supplies acquired abroad for which internal revenue stamps are not required may be used in the United States under the following procedure:

(1) *Port of arrival.* An inventory executed in duplicate consisting of an itemized list showing the kind and quantity of each class of supplies on hand in the car with space for a parallel column in which to show at the port of exit the quantity used, shall be certified by the person in charge of the car and furnished to the Customs officer upon arrival. The Customs officer shall certify the correctness of both copies of the inventory, return the original to the person in charge of the car, and retain the duplicate, or forward it to the port of exit if this differs from the port of arrival.

(2) *Port of exit.* Upon arrival at the port of exit, the inventory returned at the port of arrival to the person in charge of the car shall be submitted to the Customs officer after completion by showing the quantity of each item used in the United States, and being certified by the person in charge of the car. Entries must be filed and applicable

duties and taxes paid at the port of exit on the quantity of supplies consumed in the United States.

(c) *Supplies purchased in the United States.* Supplies purchased in the United States shall be passed free of duty without inventory or entry.

(Sec. 465, 46 Stat. 718; 19 U.S.C. 1465)

123.12 Entry of foreign locomotives and equipment in international traffic.—(a) *Use on a continuous route.* Foreign locomotives or other foreign railroad equipment in use on a continuous route crossing the boundary into the United States shall be admitted without formal entry or the payment of duty to proceed to and return from the end of the run, in accordance with the following:

(1) *On inward trip.* Unless formally entered and cleared through Customs into the United States, a foreign locomotive shall be used on the inward trip only in connection with taking the inbound train to the last place in a continuous haul, including the switching of cars which it has hauled into the United States. Other foreign railroad equipment may proceed to the place of complete unloading for any merchandise imported therein.

(2) *On outward trip.* Foreign locomotives may be used on the outward trip only in connection with through trains crossing the boundary, including switching to make up such trains. Other foreign railroad equipment may be used in such trains or for such local traffic as is reasonably incidental to its economical and prompt return to the country from which it entered the United States.

(b) *Admission of empty equipment.* Empty foreign railroad equipment shall be admitted to the United States without formal entry and payment of duty only if the passengers or goods to be loaded are to be transported directly to or through the country from which the equipment entered the United States.

(c) *Use in violation of regulations.* Any foreign locomotive and other foreign railroad equipment used in violation of this section shall be subject to forfeiture under the provisions of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592).

123.13 Foreign repairs to domestic locomotives and other domestic railroad equipment.—(a) *Domestic locomotives and other railroad equipment defined.* For the purpose of this section, locomotives or other railroad equipment manufactured in, or regularly imported into the United States, shall be considered "domestic" if not subsequently formally entered and cleared through foreign customs into another country, nor used in foreign local traffic otherwise than as an incident of the return of the equipment to the United States.

(b) *Report of arrival and payment of duty on repairs.* A report of the first arrival in the United States of a domestic locomotive or other railroad equipment after repairs have been made in a foreign country other than those required to restore it to the condition in which it last left the United States ("running repairs"), shall be made promptly, in writing, to the Customs officer at the port of reentry. The report shall state the time and place of arrival, and the nature and value of the repairs. Each such locomotive or other piece of railroad equipment when withdrawn from international traffic shall be subject to duty upon the value of the repairs (other than "running repairs") made abroad at the rate at which the repaired article would be dutiable if imported.

(Sec. 14, 67 Stat. 516, 77A Stat. 14; 19 U.S.C. 1202 (Gen. Hdnte 11), 1322)

123.14 Entry of foreign-based trucks, busses, and taxicabs in international traffic.—(a) *Admission without entry or payment of duty.* Trucks, busses, and taxicabs, however owned, which have their principal base of operations in a foreign country and which are engaged in international traffic, arriving with merchandise or passengers destined to points in the United States, or arriving empty or loaded for the purpose of taking out merchandise or passengers, may be admitted without formal entry or the payment of duty. Such vehicles shall not engage in local traffic except as provided in paragraph (c).

(b) *Deposit of registration by vehicle not on regular trip.* In any case in which a foreign-based truck, bus, or taxicab admitted under this section is not in use on a regularly scheduled trip, the district director may require that the registration card for the vehicle be deposited pending the return of the vehicle for departure to the country from which it arrived, or the district director may take other appropriate measures to assure the proper use and departure of the vehicle.

(c) *Use in local traffic.* Foreign-based trucks, busses, and taxicabs admitted under this section shall not engage in local traffic in the United States unless the vehicle comes within one of the following exceptions:

(1) The vehicle may carry merchandise or passengers between points in the United States while in use on a regularly scheduled trip if such carriage is directly incidental to the international schedule.

(2) A foreign-based truck trailer may carry merchandise between points in the United States on the return trip to the country from which it entered the United States under the same conditions as are prescribed for "other equipment" in section 123.12(a) (2) of this part.

(d) *Penalty for use without proper entry.* Any such vehicle used in violation of this section shall be subject to forfeiture under the provi-

sions of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592).
(Sec. 14, 67 Stat. 516; 19 U.S.C. 1322)

123.15 Vehicles of foreign origin used between communities of the United States and Canada or Mexico.—Vehicles of foreign origin which are used for commercial purposes between adjoining or neighboring communities of the United States and Canada or Mexico, such as delivery, peddlers', and service trucks, or wagons, are subject to duty on first arrival, but may thereafter be admitted without formal entry or the payment of duty so long as they are continuously employed in such service.

(Sec. 14, 67 Stat. 516, 19 U.S.C. 1322)

123.16 Entry of returning trucks, busses, or taxicabs in international traffic.—(a) *Admission without entry or payment of duty.* Trucks, busses, and taxicabs, whether of foreign or domestic origin, taking out merchandise or passengers for hire or leaving empty for the purpose of bringing back merchandise or passengers for hire shall on their return to the United States be admitted without formal entry or the payment of duty upon their identity being established by State registration cards.

(b) *Use in local traffic.* Trucks, busses, and taxicabs in use on regularly scheduled trips in international traffic, which may include the incidental carrying of merchandise or passengers for hire between points in a foreign country, or between points in this country, shall be admitted under this section. However, such vehicles taken abroad for commercial use between points in a foreign country, otherwise than in the course of a regularly scheduled trip in international traffic shall be considered to have been exported and must be regularly entered on return.

(Sec. 14, 67 Stat. 516; 19 U.S.C. 1322)

123.17 Foreign repairs to domestic trucks, busses, taxicabs and their equipment.—(a) *Domestic trucks, busses, and taxicabs, and their equipment defined.* For the purpose of this section, trucks, busses, and taxicabs and their equipment manufactured in, or regularly imported into the United States, shall be considered "domestic" if not subsequently formally entered and cleared through foreign customs into another country, nor used in foreign local traffic otherwise than as an incident of their return to the United States.

(b) *Report of arrival and payment of duty on repairs.* A report of the first arrival in the United States of domestic trucks, busses, and taxicabs and their equipment after repairs have been made in a foreign country, other than those required to restore such vehicle or equipment to the condition in which it last left the United States

("running repairs"), shall be made by the driver or person in charge of the vehicle promptly, in writing, to the Customs officer at the port of reentry. The report shall state the time and place of arrival and the nature and value of the repairs. Each such vehicle or its equipment when withdrawn from international traffic shall be subject to duty upon the value of the repairs (other than "running repairs") made abroad at the rate at which the repaired article would be dutiable if imported.

(Sec. 14, 67 Stat. 516, 77A Stat. 14; 19 U.S.C. 1202 (Gen. Hdnote 11), 1322)

123.18 Equipment and materials for constructing bridges or tunnels between the United States and Canada or Mexico.—(a) *Admission of equipment and materials.* Equipment for use in construction of bridges or tunnels between the United States and Canada or Mexico shall be admitted without entry or the payment of duty. Materials for such use shall be admitted without entry or payment of duty only for installation in the bridge or tunnel proper, and not in the approaches on land at the United States end of such bridge or tunnel.

(b) *Customs supervision.* All articles admitted under paragraph (a) of this section shall be subject to Customs supervision at the expense of the builder until installed, entered, or exported.

(Sec. 14, 67 Stat. 516, 19 U.S.C. 1322)

SUBPART C—SHIPMENTS IN TRANSIT THROUGH CANADA OR MEXICO

123.21 Merchandise in transit.—(a) *Status.* Merchandise may be transported from one port to another in the United States through Canada or Mexico in accordance with the regulations in this subpart or subparts E for trucks transiting Canada, F for commercial traveler's samples, or G for baggage. Merchandise so transported is not subject to treatment as an importation when returned to the United States, and no inward foreign manifest is required for merchandise returned under an in-transit manifest. In-transit merchandise returned to the United States shall be treated as an importation as are shipments made from Canada or Mexico if:

- (1) An in-transit manifest is not furnished for the merchandise upon its return to the United States;
- (2) The merchandise has been transhipped in foreign territory without Customs supervision when the transshipment required the breaking of Customs seals; or
- (3) The Customs inspector finds any of the Customs seals applied to the conveyance or compartment unlocked or missing.

(b) *Use of certain vessels prohibited.* Merchandise shall not be transported from port to port in the United States through Canada or Mexico by vessel in violation of the provisions of section 27, Merchant Marine Act of 1920, as amended (46 U.S.C. 883), or section 588, Tariff Act of 1930, as amended (19 U.S.C. 1588).

(See section 4.80 of this chapter.)

(c) *Regulations applicable.* The provisions of this subpart shall govern all merchandise transported from one port to another in the United States through Canada or Mexico under in-transit procedures, except as otherwise provided in this subpart or in subpart E for truck shipments transiting Canada, subpart F for commercial traveler's samples transiting Canada, and subpart G for baggage transiting Canada or Mexico.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554.)

123.22 In-transit manifest.—(a) *Manifest required.* A manifest in duplicate covering the in-transit merchandise which is to proceed under the provisions of this subpart shall be presented by the carrier to the Customs officer at each port of lading of a vessel, or at the port of exit of a vehicle. Where the merchandise is transported under Customs red in-bond seals and is accompanied by a transportation in-bond manifest, a separate in-transit manifest is not required.

(b) *Additional copies.* In the following cases additional copies of the manifest shall be presented:

(1) When the merchandise is to be transshipped in foreign territory under Customs supervision, a copy of the manifest for each place of transshipment shall be presented.

(2) When a Customs officer requests an extra copy of the manifest as a record of the transaction.

(c) *Manifest forms to be used.* The in-transit manifest forms to be used are:

(1) For trucks, railroad cars or other overland carriers transiting Mexico a manifest on Customs Form 7533-B shall be presented.

(2) For vessels of less than 5 net tons departing and arriving otherwise than by sea, a manifest on Customs Form 7533-B shall be presented. All other vessels are subject to the manifesting requirements contained in section 4.82 of this chapter.

(3) For rail cars transiting Canada, a manifest on Customs Form 7533-C (Canada A4-1/2) shall be presented. For trains which will remain intact while transiting Canadian territory, a consolidated train manifest containing all the information included in the individual car manifests and the train sheet required by section 123.23 may be used in lieu of individual car manifests. For a number of

cars which will transit Canada as a group, a consolidated manifest may be used, but a train sheet shall also be presented.

(4) In all other cases where no in-transit manifest form is specified in this subpart, or in subpart E relating to truck shipments on the Canadian border, subpart F relating to commercial traveler's samples, and subpart G relating to baggage, Customs Form 7533-B shall be presented.

(d) *Contents of in-transit manifest.* The information contained in the manifest shall correspond to the information contained in the waybill accompanying the shipment, except that:

(1) The conveyance shall be identified in a suitable manner in the place provided for such identification.

(2) The description of ladings made up of several shipments which are to go forward in a conveyance or compartment sealed with Customs seals shall be "miscellaneous shipments."

(3) When an in-transit rail shipment will enter and reenter Canada in a continuing movement en route to a final destination in the United States, only the final United States port of reentry shall be shown on the manifest.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554).

123.23 Train sheet for in-transit rail shipments.—Before an in-transit train proceeding under the provisions of this subpart departs from the United States, the carrier shall furnish to the Customs officer at the port of exit a train sheet, sometimes called a consist, bridge sheet or trip sheet, listing each car of the train and specifically identifying the in-transit cars, unless a consolidated manifest containing this information has been presented for a train which will remain intact.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

123.24 Sealing of conveyances or compartments.—(a) *Sealing required.* Merchandise in transit proceeding under the provisions of this subpart shall be transported in sealed conveyances or compartments, except that:

(1) Less than load or compartment lots may be forwarded in unsealed conveyances or compartments, without cording and sealing;

(2) The Commissioner of Customs may authorize treatment of full loads or lots in the same manner as less than load or compartment lots;

(3) Live animals identifiable by specific description in the manifest may be transported in the care of an attendant or Customs inspector at the expense of the parties in interest, in unsealed conveyances or compartments.

(b) *Seals to be affixed.* The carrier shall affix blue in-transit seals to all openings of conveyances and compartments containing in-transit merchandise except that:

(1) Sealable carload shipments on the Canadian border shall be sealed with yellow in-transit seals.

(2) Conveyances or compartments sealed with United States Customs red in-bond seals may go forward without additional seals.

(c) *Carrier relieved of responsibility.* The district director of Customs may relieve the carrier of the responsibility of affixing in-transit seals by notification in writing that Customs inspectors will assume it. (Sec. 554, 46 Stat. 743; 19 U.S.C. 1551)

123.25 Certification and disposition of manifests.—(a) *Certification.* Conveyances proceeding under the provisions of this subpart shall not proceed until the Customs inspector has certified the in-transit manifest or verified its certification by the carrier. The district director may require the carrier to execute the certificate as an alternative to certification by the Customs officer. When the carrier is to execute the certificate, and the merchandise will be forwarded without being under Customs seals, the agent of the carrier shall carefully examine the packages covered by the manifests to satisfy himself that the merchandise agrees with the manifest as to quantity and description.

(b) *Disposition of manifest.* The original manifest, after certification, shall accompany the merchandise. Additional copies required when the merchandise is to be transshipped in Canada or Mexico under Customs supervision shall be given to the person in charge of the conveyance for delivery to the Customs officer who will supervise transshipment.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

123.26 Transshipment of merchandise moving through Canada or Mexico.—(a) *General.* Merchandise in transit proceeding under the provisions of this subpart may be transshipped from one conveyance to another in foreign territory. When transshipment requires the breaking of Customs seals, the breaking of the seals, transshipment, and sealing of the conveyance or compartment to which the merchandise is transshipped shall be under the supervision of a Customs officer. He shall note his action on both the additional copy of the manifest presented to him, in accordance with sec. 123.25(b), and on the original copy, which shall be returned to the person in charge of the conveyance to accompany the merchandise. Merchandise transshipped in foreign territory without Customs supervision when Customs seals were broken

shall be treated upon return to the United States as imported merchandise.

(b) *Storage awaiting transshipment.* Merchandise moving under in-transit manifests and Customs seals which is to be stored in foreign territory awaiting transshipment shall be checked into a storehouse by the Customs officer at the place of transshipment. It shall remain under Customs locks and seals until transshipment is completed under Customs supervision.

(c) *Manifests where contents broken up.* When transshipment involves the breaking up of the in-transit contents of a conveyance or compartment, in such a manner as to require separate manifests for articles previously covered by a single manifest, the Customs officer supervising the transshipment shall take up the carrier's copy of the manifest and require the carrier to prepare a new manifest, in duplicate, for each conveyance to which the merchandise is transshipped. If there is to be further transshipment, an additional copy of each new manifest shall be presented by the carrier, and shall be returned to the person in charge of the carrier for delivery to the Customs officer at the point of further transshipment in accordance with section 123.25 (b). After the transshipment and sealing of the conveyances and compartments has been supervised and the new manifests certified the originals of the new manifests shall be returned to the carrier to accompany the merchandise to the point of reentry into the United States.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

123.27 Feeding and watering animals in Canada.—If animals in sealed conveyances or compartments cannot be fed and watered in Canada without breaking Customs seals, the seals shall be broken and the animals fed and watered under the supervision of a United States or Canadian Customs officer. The supervising officer shall reseal the conveyance or compartment, and make notation as to the resealing on the manifest.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

123.28 Merchandise remaining in or exported to Canada or Mexico.—(a) *In transit status abandoned.* When the in-transit status of merchandise transiting Canada or Mexico is abandoned and the merchandise is entered for consumption or other disposition in Canada or Mexico, the carrier shall send the in-transit seals and manifests to the port where the manifests were first filed with United States Customs, or in the case of trucks under subpart E, the port of exit, with an endorsement by the carrier's agent on each manifest showing that the merchandise was so entered. The carriers shall comply with the export control regulations, 15 CFR Part 370.

(b) *In-transit merchandise exported to Canada or Mexico.* Merchandise to be exported to Canada or Mexico after moving in-transit through a contiguous country shall be treated as exported when it has passed through the last port of exit from the United States. This paragraph shall control whether or not the merchandise to be exported is domestic or foreign and whether or not it is exported with benefit of drawback. The manifest, shipper's export declaration, and the notice of exportation, if any, shall be filed at the last port of exit from the United States.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

123.29 Procedure on arrival at port of reentry.—(a) *Presentation of documents.* At the first port in the United States after transportation through Canada or Mexico under the provisions of this subpart, the carrier shall present to Customs the in-transit manifest or manifests for each loaded conveyance. For mixed loadings, that is, loadings made up of several shipments, the waybills shall be available at the port of return or discharge for use by Customs officer. For a railroad train for which a consolidated manifest was not used the conductor shall also present a train sheet showing the car numbers and initials.

(b) *Vessels and rail shipments continuing in-transit movement.*

(1) *Vessels.* In the case of a vessel carrying in-transit merchandise, the master's copies of the in-transit or in-bond manifest covering the merchandise given final Customs release at that port shall be retained by Customs at that port and the manifests covering merchandise to be discharged at subsequent ports of arrival shall be returned to the master of the vessel for presentation to Customs at the next port.

(2) *Rail shipments.* An in-transit rail shipment arriving at an intermediate port of reentry or exit intended for further in-transit movement through Canada may be permitted to go forward under the accompanying in-transit manifest after verification by Customs that the manifest satisfactorily identifies the shipment.

(c) *Checking and breaking of seals.*

(1) *Checking seals.* The Customs officer at the port of arrival shall check Customs seals applied to the conveyance or compartment for unlocked or missing seals. Where the seals are unlocked or missing, the merchandise shall be treated as having been imported from the transited country.

(2) *Breaking seals.* In-bond seals shall be broken only by a Customs officer or by a person acting under the direction of a Customs officer. In-transit seals may be broken by any carrier's employee, or

by a consignee at any time or place after the merchandise under such seals has been released by Customs.

(d) *Proper manifest.* In-transit merchandise shall not be released until proper in-transit manifests are received except that it may be treated as imported merchandise.

(e) *Substitution of merchandise.* Any instance of substitution of merchandise shall be reported to the Commissioner of Customs, and the merchandise shall be detained.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

SUBPART D—SHIPMENTS IN TRANSIT THROUGH THE UNITED STATES

123.31 Merchandise in transit.—(a) *From one contiguous country to another.* Merchandise may be transported in transit across the United States between Canada and Mexico under the procedures set forth in Part 18 of this chapter for merchandise entered for transportation and exportation.

(b) *From one point in a contiguous country to another through the United States.* Merchandise may be transported from point to point in Canada or in Mexico through the United States in bond in accordance with the procedures set forth in sections 18.20 to 18.24 except where those procedures are modified by this subpart or subparts E for trucks transiting the United States, F for commercial traveler's samples, or G for baggage.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

123.32 Manifests.—(a) *Form and number of copies required.* Three copies of the transportation entry and manifest on customs Form 7512 shall be presented upon arrival of merchandise which is to proceed under the provisions of this subpart.

(b) *Consolidated train manifest.* When the route is such that a train will remain intact while proceeding through the United States, a consolidated train manifest containing the same information as is required on individual manifests may be used.

(c) *Disposition of manifest form.* One copy of the manifest shall be delivered to the person in charge of the carrier to accompany the conveyance and be delivered to the Customs officer at the final port of exit.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

123.33 Sealable rail shipments at Canadian border.—No seals other than the green in-transit seals placed on cars prior to departure from Canada shall be required for sealable carload shipments arriving

at frontier ports for in-bound movement through the United States and return to Canada if:

(a) The sealing has been verified by Canadian customs officers, and

(b) The seals are found to be properly attached and locked.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

123.34 Certain vehicle and vessel shipments.—In the following circumstances, the copy of Customs Form 7512 to be retained at the port of first arrival may be adapted for use as a combined inward foreign manifest and in-bond transportation or direct exportation entry:

(a) When all the merchandise arriving on one vehicle (except on trucks on the Canadian border) is to move in bond in the importing vehicle in a continuing movement through the United States; or

(b) When all the merchandise arriving on one vessel or on one vehicle (except on trucks on the Canadian border) is entered immediately upon arrival either under a single immediate transportation entry or a single transportation and exportation or direct exportation entry.

When Customs Form 7512 is to be used in this manner, the foreign port of lading and the name of the shipper shall be shown in every case, and a certificate in the following form shall be legibly stamped on the manifest or on a separate paper securely fastened thereto and executed by the master of the vessel or the person in charge of the vehicle:

This entry correctly covers all the merchandise on the vessel or vehicle, of which I am the master or person in charge, when it first arrived in the United States. If an error in the quantity, kind of article, or other details is discovered, I will immediately report the correct information to the district director of Customs.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

SUBPART E—UNITED STATES AND CANADA IN-TRANSIT TRUCK PROCEDURES

123.41 Truck shipments transiting Canada.—(a) *Manifest required.* Sealable truckload and less than truckload shipments transiting Canada from point to point in the United States shall be manifested on Customs Form 7512-B, Canada, 8½. Trucks transiting Canada will be allowed to proceed without presentation of this in-transit manifest at the United States port of departure.

(b) *Procedure at Canadian ports of arrival and exit.* Truck shipments transiting Canada shall comply with Canadian customs regulations. These procedures are generally the following:

(1) *Canadian port of arrival.* The driver will present a manifest on Customs Form 7512-B, Canada 8½, to the Canadian customs officer. The truck will be sealed unless sealing is waived by Canadian customs.

(2) *Canadian port of exit.* The driver will present the manifest to the Customs officer at the Canadian port of exit for certification. The Customs officer will verify that the seals are intact if the vehicle has been sealed, or if sealing has been waived that there are no irregularities. After verification and certification of the in-transit manifest by Canadian customs the truck will be allowed to proceed to the United States.

(c) *Procedure at the United States port of reentry.* The driver of a truck reentering the United States after transiting Canada shall present a copy of the combined inward foreign and in-transit manifest on Customs Form 7512-B, Canada 8½, to the Customs officer. When this copy of the manifest does not bear the certification of a Customs officer at the Canadian port of exit, the driver shall be allowed to return to that port to obtain certification. The carrier will be permitted to break any seals affixed by Canadian customs upon presentation of a certified manifest. If sealing was waived, the United States Customs officer shall satisfy himself that the truck contains only that merchandise which moved on the truck from the United States through Canada.

(d) *Proof of exportation from Canada.* Upon request of the carrier at the port of reentry, a certified copy of the in-transit manifest presented at the time of reentry shall be furnished as proof of exportation of the shipment from Canada.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

123.42 Truck shipments transiting the United States.—(a) *Procedure at United States port of arrival.*

(1) *Combined inward foreign and in-transit manifest.* Trucks with merchandise transiting the United States from point to point in Canada shall present a combined inward foreign and in-transit manifest on Customs Form 7512-B, Canada 8½, to the Customs officer at the port of arrival. The Customs officer shall note on the form over his initials the seal numbers or the waiver of sealing, retain the original and return three copies to the person in charge of the carrier to accompany the shipment for presentation and certification at the port of exit.

(2) *Sealing or waiver of sealing.* Trucks transiting the United States shall be sealed with red in-bond seals at the United States port of arrival unless sealing is waived in accordance with section 18.4 of this chapter. If a truck cannot be sealed effectively and sealing is

deemed necessary to protect the revenue or to prevent violation of the Customs laws or regulations, the truck shall not be permitted to transit the United States under bond.

(b) *Procedure at United States port of exit.* The driver shall present the returned copies of the manifest to the Customs officer at the United States port of exit. The Customs officer shall check the numbers and condition of the seals and record and certify his findings on all copies of the manifest, returning two copies to the person in charge of the carrier. The check shall be made as follows:

(1) If the seals are intact, they shall be left unbroken unless there is indication that the contents should be verified.

(2) If the seals have been broken, or there is other indication that the contents should be verified, all merchandise shall be required to be unladen and a detailed inventory made against the waybills.

(3) If sealing has been waived, the Customs officer shall verify the goods against the accompanying waybills in sufficient detail to detect any irregularity.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

SUBPART F—COMMERCIAL TRAVELER'S SAMPLES IN TRANSIT THROUGH THE UNITED STATES OR CANADA

123.51 Commercial samples transported by automobile through Canada between ports in the United States.—(a) *General provisions.* A commercial traveler arriving at a United States frontier port desiring to transport his commercial samples by automobile through Canada to another place in the United States without displaying the samples in Canada may request a United States Customs officer at the port of departure to cord and seal the outer containers of the samples if they can be effectively corded and sealed.

(b) *List of samples.* The traveler shall furnish the United States Customs officer at the port of exit a list, in duplicate, of all the articles in the containers, with their approximate values, in substantially the following form:

SAMPLES CARRIED IN TRANSIT THROUGH CANADA IN PRIVATE VEHICLE

(U.S. Port of Exit printed here)

(Date)

I have checked the quantity and values of the below-listed articles carried by _____

(Name and address of traveler)

and owned by _____

(Name and address of Firm or Company)

These articles are contained in _____ packages which have
 _____ (Number)
 been corded and sealed for in-transit movement through Canada to
 _____ in _____
 (U.S. Port of Reentry) (Year, make and license number of vehicle)

 (U.S. Customs Inspector)

DESCRIPTION OF MERCHANDISE

VALUE

When the traveler arrives at Customs with lists already prepared, the form may be inscribed "as per list attached."

(c) *Checking, cording, and sealing by U.S. Customs officers.* The Customs officer shall check the list with the articles and satisfy himself that the values shown are approximately correct. The Customs officer will cord and seal the containers with yellow in-transit seals. The traveler may be required to assist the Customs officer in the cording and sealing. The original of the list, signed by the Customs officer over his title and showing that the articles on the list have been checked by the officer against those in the containers shall be returned to the traveler for submission by him to Canadian customs upon his arrival in Canada.

(d) *In-transit manifest.* The traveler shall execute and file Customs Form 7533-B, in the original only, at the United States port of departure, as an in-transit manifest covering the movement of the samples to the United States port through which the traveler will return. Descriptions, quantities, and values may be shown thereon by noting "Commercial Samples" and the number of corded and sealed containers. The manifest shall be returned to the traveler to accompany the samples after being signed and dated by the Customs officer.

(e) *Presentation of in-transit manifest at United States port of reentry.* Upon return to the United States, the traveler shall present Customs Form 7533-B, and the corded and sealed samples to the United States Customs officer at the port where the samples are returned to this country. The Customs officer shall verify that there has been no irregularity.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

123.52 Commercial samples transported by automobile through the United States between ports in Canada.—(a) *General provisions.* A commercial traveler arriving from Canada may be permitted to transport effectively corded and sealed samples in his automobile without further sealing in the United States, upon compliance with this section and subject to the conditions of section 18.20(b), since Customs bonded carriers as described in section 18.1 of this

chapter are not considered to be reasonably available. Samples having a total value of not more than \$200 may be carried by a nonresident commercial traveler through the United States without cording and sealing and without an in-transit manifest in accordance with section 10.18(d) of this chapter.

(b) *Presentation of sample list at Canadian port of exit.* A commercial traveler arriving from Canada desiring to transport without display in the United States commercial samples in his automobile through the United States to another port in Canada, may present his samples to a Canadian customs officer at the Canadian port of exit. The traveler will be required to furnish the Canadian customs officer a list in duplicate of all articles presented showing their approximate values. The list shall bear the traveler's name and address, and the name and address of the firm represented.

(c) *Checking, cording, and sealing by Canadian customs officers.* The Canadian customs officer will examine the articles, identify them with the list, and satisfy himself that the values shown are approximately correct. The Canadian customs officer will cord and seal the outer containers with uncolored in-transit seals and authenticate the list of samples with his signature and title. Cording and sealing may be waived with the concurrence of United States and Canadian Customs officers.

(d) *Treatment at United States port of arrival.* The list of samples properly authenticated shall be submitted upon arrival to the United States Customs officer at the port of arrival. After ascertaining that the samples are effectively corded and sealed, or that sealing has been waived, notation of the number of corded and sealed containers, or of the waiver shall be made on the list of samples and the list shall be retained by the Customs officer as a record of the shipment.

(e) *In-transit manifest.* Movement of the samples from the port of arrival to the port of exit from the United States under this procedure shall be under an in-transit manifest on Customs Form 7520 executed and filed in triplicate by the traveler at the port of arrival in the United States. Descriptions, quantities, and values may be shown thereon by noting "Commercial Samples," the number of corded and sealed containers, and the approximate total value of the samples. When cording and sealing has been waived with the concurrence of a Canadian customs officer, samples must be identified on the manifest by suitable itemized descriptions and approximate values, or by attaching to the manifest a copy of the list of samples which has been initialled by the Customs officer.

(f) *Presentation of samples and manifest at United States port of exit.* The manifest on Customs Form 7520 shall be presented to the

Customs officer at the United States port of exit, together with the samples covered. If the seals are broken or cording and sealing has been waived, the Customs officer shall verify that there are no irregularities.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

SUBPART G—BAGGAGE

123.61 Baggage arriving in baggage car.—An inward foreign manifest on Customs Form 7533-A shall be used for all baggage arriving in baggage cars.

123.62 Baggage in possession of traveler.—For baggage arriving in the actual possession of a traveler, his declaration shall be accepted in lieu of an inward foreign manifest. (See sec. 123.3.)

123.63 Examination of baggage from Canada or Mexico.—(a) *Opening vehicle or compartment to examine baggage.* Customs officers shall not unlock a vehicle or compartment thereof for the purpose of examining baggage unless the owner or operator refuses to unlock such vehicle or compartment.

(b) *Inspection of baggage.* Customs officers shall not open baggage for the purpose of making the inspection required by section 461, Tariff Act of 1930 (19 U.S.C. 1461), but shall detain such baggage until its owner or his agent opens or refuses to open it. If the owner or his agent refuses to open the baggage, it shall be opened and examined in accordance with the provisions of section 462, Tariff Act of 1930 (19 U.S.C. 1462), unless a request is received from the owner or his agent to make other proper disposition thereof.

(Sec. 461, 462, 46 Stat. 717, 718; 19 U.S.C. 1461, 1462)

123.64 Baggage in transit through the United States between ports in Canada or in Mexico.—(a) *Procedure.* Baggage in transit from point to point in Canada or Mexico through the United States may be transported in bond through the United States in accordance with the procedures set forth in sections 18.13, 18.14, and 18.20-18.24 of this chapter except where those procedures are modified by this section.

(b) *In-transit manifest.* Three copies of the manifest on Customs Form 7520 shall be required. One copy shall be delivered to the person in charge of the carrier to accompany the baggage and shall be delivered by the carrier to the Customs officer at the port of departure from the United States.

(c) *Consolidated train manifest.* When the route is such that a train carrying baggage in bond will remain intact while proceeding through

the United States, a consolidated train manifest containing the same information as is required on individual manifests may be used in lieu of individual manifests on Customs Form 7520.

(d) *Baggage cards.*

(1) *Baggage arriving from Mexico.* For baggage arriving at a port on the Mexican border for in-transit movement through the United States in bond and return to Mexico, the in-transit baggage card described in section 18.14 of this chapter shall be used.

(2) *Baggage arriving from Canada.* For baggage arriving at a port on the Canadian border for in-transit movement through the United States in bond and return to Canada, the joint United States-Canada in-transit baggage card, Customs Form 7524, Canada A-21, shall be used. The baggage card will be filled out and securely attached to the baggage and the attachment verified by a Canadian customs officer before the baggage leaves Canada. If the joint in-transit baggage card is found to be improperly prepared or attached upon arrival of the baggage in the United States for movement in bond, the carrier may be required to furnish the baggage card described in section 18.14 of this chapter for attachment to the baggage before being allowed to proceed. At the port of exit from the United States the joint in-transit baggage card shall be allowed to remain on the baggage.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

123.65 Domestic baggage transiting Canada or Mexico between ports in the United States.—(a) *General Provision.* Upon request of the carrier, checked baggage of domestic origin may be transported from one port in the United States to another through Canada or through Mexico in accord with the procedure set forth in this section. The provisions of this section shall not apply to domestic hand baggage crossing Canada or Mexico which, upon reentry into the United States, shall be examined in the same manner as baggage of foreign origin.

(b) *Special in-transit tag manifest.* The carrier shall complete and attach to each piece of baggage by wire or cord under Customs supervision a special in-transit tag manifest furnished by the carrier as follows:

(1) *Baggage transiting Mexico.* For baggage of domestic origin to be transported through Mexico between ports of the United States, the special in-transit tag manifest attached to each piece of baggage shall be on white cardboard not less than $2\frac{1}{2} \times 4\frac{1}{2}$ inches in size printed in substantially the following form:

UNITED STATES CUSTOMS

IN-TRANSIT BAGGAGE MANIFEST

Carrier's Baggage-man: Destroy this tag if owner has access to baggage before its return to United States.

Check No. _____

This baggage is in transit from _____

(Port of exit)

through foreign territory to _____

(Port of reentry)

in the United States.

This baggage was laden for transportation as above stated.

Date _____

(U.S. Customs Officer)

(2) *Baggage transiting Canada.* For baggage of domestic origin to be transported through Canada between ports in the United States, the joint United States-Canada in-transit baggage card, Customs Form 7524, Canada A-21, shall be used as the special in-transit tag manifest attached to each piece of baggage.

(c) *Removal of special in-transit tag manifest.* The special in-transit tag manifest shall be removed only by the Customs officer at the final port of reentry into the United States. If the officer finds the special in-transit tag manifest missing or not intact, or for any other reason believes that the baggage has been tampered with while outside the United States, he shall detain it for examination. Otherwise, baggage transported under the procedure in this section may be passed without examination.

(d) *Procedure in lieu of special in-transit tag manifest.* In lieu of attaching the special in-transit tag manifest to each piece of baggage as set forth in paragraph (b) of this section, baggage of domestic origin may be forwarded in a car or compartment sealed with in-transit seals and manifested as in the case of other merchandise in transit through Canada or Mexico, as provided in subpart C of this part.

SUBPART H—MISCELLANEOUS PROVISIONS

123.71 Merchandise found in building on the boundary.—When any merchandise on which the duty has not been paid or which was imported contrary to law is found in any building upon or within 10 feet of the boundary line between the United States and Canada or

Mexico, such merchandise shall be seized and a report of the facts shall be made to the Commissioner. With his approval, the building or that portion thereof which is within the United States shall be taken down or removed. The provisions of section 23.11 of this chapter shall be applicable to the search of any such building.

(Sec. 595, 46 Stat. 752; 19 U.S.C. 1595)

123.72 Treatment of stolen vehicles returned from Mexico.—

District directors shall admit without entry and payment of duty allegedly stolen or embezzled vehicles, trailers, airplanes, or component parts of any of them, under the provisions of Executive Order 7965, dated August 29, 1938 (T.D. 49851), if accompanied by a letter from the United States Embassy in Mexico City containing:

(a) A statement that the Embassy is satisfied from information furnished it that the property is stolen property being returned to the United States under the provisions of the convention between the United States and Mexico concluded October 6, 1936, and

(b) An adequate description of the property for identification purposes.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

2. In section 4.30, paragraph (a) is amended by substituting "section 123.8" for "section 5.2."

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

3. In section 10.41, paragraph (a) is amended, and paragraphs (b), (e), and (g) are deleted as follows:

10.41 Instruments; exceptions.—(a) Locomotives and other railroad equipment, trucks, busses, taxicabs, and other vehicles used in international traffic shall be subject to the treatment provided for in Part 123 of this chapter.

(b) [Deleted]

* * * * *

(e) [Deleted]

* * * * *

(g) [Deleted]

(Sec. 14, 67 Stat. 516; 19 U.S.C. 1322)

4. Section 10.42 is amended by deleting therefrom paragraphs (e), (f), and (g).

(R.S. 251, Sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

5. In section 18.1, paragraph (e) is amended by substituting "Part 123" for "section 5.11" in the parenthetical matter at the end of the paragraph.

6. In section 18.2, paragraph (b) is amended by substituting "Subpart D of Part 123" for "section 5.11" in the last sentence.

7. In section 18.4, paragraph (a) is amended by substituting "section 123.33" for "section 5.11(b)" in the parenthetical matter in the first sentence.

8. In section 18.6, paragraph (e) is amended by substituting "Subpart D of Part 123 of this chapter, and section 18.11, or 18.20" for "section 5.11 of this chapter, and sections 18.11, 18.20, or 18.29." As amended, paragraph (e) reads as follows:

(e) In the case of shipments arriving in the United States by rail or searain which are forwarded under Customs in-bond seals under the provisions of Subpart D of Part 123 of this chapter, and section 18.11, or 18.20, a notation shall be made by the carrier or shipper on the in-bond manifest, Customs Form 7512, to show whether the shipment was transferred to the car designated in the manifest or whether it was laden in the car in the foreign country, which shall be named.

9. Section 18.13 is amended by deleting therefrom paragraph (d).

10. Section 18.14 is amended by substituting "section 123.64" for "section 5.11" in the last sentence.

11. In section 18.15, the heading of the section is revised, paragraph (c) is revised, paragraph (d) is revised, and paragraph (e) is deleted, as follows:

Section 18.15. Domestic baggage through foreign territory.

* * * * *

(e) In lieu of attaching a special in-transit manifest to each piece as set forth in paragraph (a) of this section, the baggage may be forwarded in a car or compartment sealed with in-transit seals in harmony with Subpart C of Part 123 of this chapter and manifested as in the case of other merchandise in transit through foreign territory.

(d) The provisions of this section shall not apply to domestic hand baggage crossing foreign territory which, upon reentry into the United States, shall be examined in the same manner as baggage of foreign origin.

(e) [Deleted]

12. In section 18.20, paragraph (a) is amended by substituting "Subparts D, E, F, and G of Part 123" for "section 5.11" in the first sentence.

13. Sections 18.28-18.31 are deleted.
(R.S. 251, Sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

14. In section 23.11, paragraph (h) is amended by substituting "section 123.71" for "section 5.15" in the parenthetical matter at the end thereof.

(R.S. 251, Sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

15. In section 24.13, paragraph (b) is revised to read as follows:

(b) Red in-bond seals used for sealing imported merchandise shipped between ports in the United States shall be stamped "U.S. Customs in Bond." Green seals used by Canadian customs officer to seal railroad cars moving in bond through the United States between Canadian ports as provided in section 123.33 of this chapter shall be stamped [U.S. Transit], [CAN. CUSTOMS] and uncolored seals used to seal containers of commercial traveler's samples transiting the United States as provided by section 123.52 of this chapter shall be stamped "CANADA-UNITED STATES CUSTOMS." Blue in-transit seals used to seal merchandise transiting foreign territory or waters between ports in the United States as provided in section 123.24 of this chapter shall be stamped "U.S. Customs In-Transit." Yellow in-transit seals used on rail shipments of merchandise and on containers of commercial traveler's samples transiting Canada between United States ports as provided in sections 123.24 and 123.51 of this chapter shall be stamped [Can. Transit] [U.S. Customs] for use on railroad cars, and "United States-Canada Customs" for use on samples. Uncolored seals used for Customs purposes other than for (1) shipping in bond, (2) shipping by other than a bonded common carrier in accordance with section 553, Tariff Act of 1930, as amended, or (3) shipping in transit shall be stamped "U.S. Customs." All seals except uncolored in-transit seals on containers of commercial traveler's samples) shall be stamped with the name of the port for which they are ordered. Each strap seal shall be stamped with a serial number. Each automatic metal seal shall be stamped with a symbol number and, when required, with a serial number.

(R.S. 251, sec. 624, 46 stat. 759; 19 U.S.C. 66, 1624)

ANNEX TO REVISED PART 123

Parallel Reference Table

(This table shows the relation of sections in revised Part 123 to superseded 19 CFR Part 5.)

<i>Revised Section</i>	<i>Superseded Section</i>	<i>Revised Section</i>	<i>Superseded Section</i>
123.0-----	None.	123.24(b)-----	5.8(g).
123.1(a)-----	5.1(b).	123.24(c)-----	5.8(g).
123.1(b)-----	5.1(a).	123.25(a)-----	5.8(b) and (g).
123.1(c)-----	5.1(a).	123.25(b)-----	5.8(h).
123.2-----	5.1(d).	123.26(a)-----	5.9(a), 5.10(f).
123.3-----	5.1(a) and (b).	123.26(b)-----	5.9(d).
123.4-----	5.1(b) and (c).	123.26(c)-----	5.9(b).
123.5-----	5.1(a) and (b).	123.27-----	5.9(c).
123.6-----	None.	123.28(a)-----	5.10(b).
123.7-----	5.1(b).	123.28(b)-----	18.28.
123.8(a)-----	5.2(a) and (b).	123.29(a)-----	5.10(c) (1) and (h).
123.8(b)-----	5.2(b).	123.29(b)-----	5.10(d), 5.10(c) (2).
123.8(c)-----	5.2(c).	123.29(c)-----	5.10(e) and (f).
123.8(d)-----	5.2(d).	123.29(d)-----	5.10(g).
123.11(a)-----	5.7(a).	123.29(e)-----	5.10(f).
123.11(b)-----	5.7(b), (c), (d) and (e).	123.31(a)-----	None.
123.11(c)-----	5.7(f).	123.31(b)-----	5.11(a).
123.12-----	5.12(a).	123.32-----	5.11(a) (1) and (2).
123.13-----	5.12(b).	123.33-----	5.11(b).
123.14-----	10.41(b) and (d).	123.34-----	5.11(d), 5.1(c).
123.15-----	10.41(g).	123.41-----	None.
123.16-----	10.42(f).	123.42-----	None.
123.17-----	10.42(g).	123.51-----	18.15(e).
123.18-----	10.41(e).	123.52-----	5.11(c).
123.21(a)-----	5.8(a), 5.10(f), (g) and (h).	123.61-----	5.1(b).
123.21(b)-----	None.	123.62-----	5.1(b).
123.21(c)-----	None.	123.63-----	5.4.
123.22(a)-----	5.8(e) and (g).	123.64-----	5.11(a).
123.22(b)-----	5.8(e).	123.65(a)-----	18.15(a) and (d).
123.22(c)-----	None.	123.65(b)-----	18.15(a).
123.22(d)-----	5.8(d).	123.65(c)-----	18.15(b).
123.22(d) (1)-----	5.8(b).	123.65(d)-----	18.15(c).
123.22(d) (2)-----	5.8(e).	123.71-----	5.15.
123.22(d) (3)-----	5.8(b).	123.72-----	5.13, 10.42(e).
123.23-----	5.8(f).		
123.24(a)-----	5.8(b) and (c).		

(T.D. 70-122)

Liquidation—Customs Regulations amended

Section 16.2(c), Customs Regulations, concerning differences of less than \$3 in liquidation and reliquidation of entries, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 16—LIQUIDATION OF DUTIES

Section 16.2(c) prescribes the circumstances under which differences of less than \$3 between the total amount of duties or taxes estimated and the total amount of duties or taxes actually accruing on imports may be waived under section 321 of the Tariff Act of 1930, as amended (19 U.S.C. 1321). The procedure prescribing the application of this provision to differences in amounts of duties or taxes accruing on reliquidation is incomplete. To incorporate in the regulations all procedures under this provision applicable on reliquidation, section 16.2(c) is amended by substituting the following for the last sentence:

Upon the reliquidation of an entry following allowance by a district director of customs of a protest under section 514 of the Tariff Act of 1930 or a petition or protest under section 520(c) of the Tariff Act of 1930, as amended, the reliquidated duties and any internal-revenue taxes shall be exactly assessed and any refund determined to be due shall be refunded even if the net difference between the liquidated and reliquidated amounts is less than \$3. When an entry is reliquidated voluntarily, a net difference of less than \$3 between the liquidated duties and any taxes and the duties and taxes determined to be due on reliquidation shall be disregarded. However, in the event of a reliquidation of a mail or baggage entry for any reason, the reliquidated duties and any internal-revenue taxes shall be exactly assessed, if the importer so requests. Any refund or increase determined to be due as the result of the reliquidation of an entry in accordance with a court decision and judgment order shall be refunded or collected as the case may be.

(Sec. 7, 52 Stat. 1081, as amended, secs. 505, 624, 46 Stat. 732, 759; 19 U.S.C. 1321, 1505, 1624.)

(342)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved May 12, 1970:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register May 22, 1970 (35 F.R. 7891)]

(T.D. 70-123)

Mail importations—Customs Regulations amended

Section 12.51, Customs Regulations, prescribing the use of Customs Form 3511,
amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 12—SPECIAL CLASSES OF MERCHANDISE

Certain procedural changes have been established in connection with mail importations due to the consolidation of customs mail offices. Customs Form 3511 has been thereby obviated. To reflect the regulatory changes thereby necessitated in the handling of absolute quota merchandise imported by mail and to delete the reference in the Customs Regulations to Customs Form 3511 which has been abolished, the Customs Regulations are amended as follows:

Paragraph (a) of section 12.51 is amended to read:

(a) In the absence of other arrangements, when the addressee is located at another port of entry, the importation, if the value thereof does not exceed \$250, shall be processed at the port of entry where initially received in accordance with section 9.3 of this chapter, and then returned to the postmaster for delivery to the importer. If the value of the merchandise exceeds \$250 in value, it shall, without processing at the port of entry where initially received, be returned to the postmaster for dispatch to the district director of customs in care of the postmaster at the port of destination where the merchandise shall be processed in accordance with section 9.4 of this chapter.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624).

Effective date: This amendment shall become effective on the date of its publication in the Federal Register.

(133.11)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved May 8, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register May 22, 1970 (35 F.R. 7890)]

(T.D. 70-124)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., May 13, 1970.

The Federal Reserve Bank of New York, pursuant to section 522 (c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from May 4 through
May 8, 1970, rate of \$0.284999.

Denmark krone:

May 4, 1970.....	\$0.133125
May 5, 1970.....	.133158
May 6, 1970.....	.133187
May 7, 1970.....	.133191
May 8, 1970.....	.133175

Hong Kong dollar:

Official rate of \$0.163750 for the period
from April 20 through April 24, 1970,
and the following Free rates:

April 20, 1970.....	\$0.164530
April 21, 1970.....	No rate
April 22, 1970.....	.164530
April 23, 1970.....	.164462
April 24, 1970.....	.164259

Iran rial:

For the period from April 27 through
May 1, 1970, rate of \$0.0130333.

Philippine peso:

Official rate of \$0.256410* for the period
from April 27 through May 1, 1970,
and the following Free rates:

April 27, 1970.....	\$0.160666*
April 28, 1970.....	.159250*
April 29, 1970.....	.158500*
April 30, 1970.....	.158500*
May 1, 1970.....	.158833*

*Certified as nominal rate.

Thailand baht (tical) :

For the period from April 27 through

May 1, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,

Acting Commissioner of Customs.

(T.D. 70-125)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., May 19, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from May 11 through May 15, 1970, rate of \$0.284999.

Denmark krone:

May 11, 1970-----	\$0.133145
May 12, 1970-----	.133154
May 13, 1970-----	.133204
May 14, 1970-----	.133187
May 15, 1970-----	.133195

Hong Kong dollar:

Official rate of \$0.163750 for the period from April 27 through May 1, 1970, and the following Free rates:

April 27, 1970-----	\$0.164225
April 28, 1970-----	.164157
April 29, 1970-----	.164191
April 30, 1970-----	.164225
May 1, 1970-----	.164191

Iran rial:

For the period from May 4 through May 8, 1970, rate of \$0.0130333.

Philippine peso:

Official rate of \$0.256410* for the period from May 4 through May 8, 1970, and the following Free rates:

May 4, 1970-----	\$0.159666*
May 5, 1970-----	.162000*
May 6, 1970-----	.162666*
May 7, 1970-----	.162666*
May 8, 1970-----	.162600*

Thailand baht (tical):

For the period from May 4 through May 8, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rate.

(T.D. 70-126)

Cotton textiles—Restrictions on entry

Restrictions on categories 1 through 64 of cotton textiles and cotton textile products manufactured or produced in Mexico

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., May 22, 1970.

There is published below the directive of April 27, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restrictions on entry into the United States of cotton textiles and cotton textile products in categories 1 through 64, manufactured or produced in Mexico.

This directive was published in the Federal Register on May 5, 1970 (35 F.R. 7094), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

April 27, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective May 1, 1970, and for the twelve-month period extending through April 30, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, in excess of the designated levels of restraint set forth below.

The combined level of restraint for Categories 1, 2, 3, and 4, shall be 13,035,866 pounds. Of this amount not more than 3,271,549 pounds shall be in Categories 3 and 4.

The overall level of restraint for Categories 5 through 27 shall be 24,310,125 square yards.

Within the overall level of restraint for Categories 5 through 27, the following specific levels of restraint shall apply:

<i>Category</i>	<i>Twelve-Month Level of Restraint</i>
9	4,630,500 sq. yds.
10	2,315,250 sq. yds.
22	4,630,500 sq. yds.
23	3,472,875 sq. yds.
26	6,945,750 sq. yds. ¹
27	2,315,250 sq. yds. ¹

Within the overall level of restraint for Categories 5 through 27, each category without a specific level of restraint is subject to a consultation level of 578,813 square yards, pursuant to paragraph 7 of the

¹ Of the total amount for Categories 26 and 27, not more than 5,209,313 square yards shall be in duck fabric, T.S.U.S.A. Nos.:

320.—01 through 04, 06, 08	326.—01 through 04, 06, 08
321.—01 through 04, 06, 08	327.—01 through 04, 06, 08
322.—01 through 04, 06, 08	328.—01 through 04, 06, 08

bilateral agreement. If appropriate, future directions concerning these categories will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

The overall level of restraint for Categories 28 through 64, shall be 2,546,775 square yards equivalent. There was attached to the directive of April 28, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee, concerning cotton textiles and cotton textile products from Mexico, a table of the rates of conversion into square yard equivalents of the aforesaid categories which may be used in implementing this part of this directive.

Within this overall level of restraint for Categories 28 through 64, the following specific levels of restraint shall apply:

<i>Category</i>	<i>Twelve-Month Level of Restraint</i>
63	127,339 pounds
64	377,386 pounds (of which not more than 104,186 pounds shall be in zipper tapes, T.S.U.S.A. No. 347,3340)

Within the overall level of restraint for Categories 28 through 64, each category without a specific level of restraint is subject to a consultation level of 405,169 square yards equivalent, pursuant to paragraph 7 of the bilateral agreement. If appropriate, future directions concerning these categories will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

In carrying out this directive, cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico and which have been exported to the United States from Mexico prior to May 1, 1970, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period May 1, 1969, through April 30, 1970. In the event that any level of restraint for the twelve-month period ending April 30, 1970, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter. It would be appreciated if you would undertake to obtain reports on cotton textiles and cotton textile products in Categories 1 through 64, by category, which are entered for consumption or withdrawn from warehouse for consumption under the provisions of this paragraph in those categories for which the levels of restraint for the twelve-month period ending April 30, 1970, have been exhausted by previous entries.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 2, 1967, between the Governments of the United States and Mexico which provides in part that within the aggregate limit, the group limits for Group I and Group II may be exceeded by not more than 10 percent and the Group limit on Group III may be exceeded by not more than 5 percent; within the aggregate and applicable group limits, limits on

certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

ROCCO C. SICILIANO,
Acting Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-127)

Discontinuance of antidumping investigations—Customs Regulations amended

Section 53.15(b), relating to the discontinuance of antidumping investigations on the basis of price assurances or termination of sales, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 53—ANTIDUMPING

The present practice under the Customs Regulations is to conclude antidumping investigations in which price revisions are made which

eliminate the likelihood of present or future sales at less than fair value, or in which sales to the United States of the merchandise have terminated and will not be resumed, by a determination of no sales below fair value. The Customs Regulations are hereby amended to change the foregoing practice to a practice of concluding such investigations by a notice that the investigation has been discontinued.

In addition, the last sentence of section 53.15(b) is amended to make clear that price assurances are not accepted until a final decision of the Treasury Department is published in the Federal Register stating that such assurances have been accepted.

Price assurances are normally regarded as a basis for terminating antidumping cases only when the home market price, third country price, or constructed value of the merchandise under consideration exceeds the purchase price or exporter's sales price by an amount that is considered minimal in relation to the total volume of sales. For example, in a situation in which home market price exceeded purchase price by a margin of 50 percent in only 1 or 2 sales out of a total of 1,000 sales to the United States, an offer of price assurances might well be accepted. On the other hand, in a situation in which home market price exceeded purchase price by 4 percent in 800 of 1,000 sales to the United States, an offer of price assurances might well be rejected.

Accordingly, section 53.15(b) of the Customs Regulations (19 CFR 53.15(b)) is amended to read as follows:

(b) *Notice.* The notice shall state the facts relied upon by the Secretary in publishing the notice and that those facts are considered to be evidence warranting the termination of the investigation. The notice shall also state that unless persuasive evidence or argument to the contrary is presented within such period as is specified in the notice the Secretary will publish a final notice **terminating** the investigation. The tentative acceptance of price assurances or the termination of sales to the United States will not prevent the Secretary from making a determination of sales at less than fair value in any case where he considers such action appropriate.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

Effective Date: This amendment shall become effective 30 days after the date of its publication in the Federal Register.

(643.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved May 22, 1970:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register May 27, 1970 (35 F.R. 8275)]

(T.D. 70-128)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textiles in category 26 (other than duck),
manufactured or produced in Czechoslovak Socialist Republic

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., May 26, 1970.

There is published below the directive of April 30, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the United States of cotton textiles in category 26 (other than duck), manufactured or produced in Czechoslovak Socialist Republic.

This directive was published in the Federal Register on May 5, 1970 (35 F.R. 7094), by the Interagency Textile Administrative Committee.

(343.3)

MYLES J. AMBROSE,
Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

April 30, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of August 29, 1969, between the Governments of the United States and the Czechoslovak Socialist Republic, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning May 1, 1970 and extending through April 30, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of

cotton textiles in Category 26 (other than duck)¹ produced or manufactured in the Czechoslovak Socialist Republic, in excess of the level of restraint for the period of 1,050,000 square yards.

Cotton textiles in Category 26 (other than duck)¹ produced or manufactured in the Czechoslovak Socialist Republic and which have been exported prior to May 1, 1969, shall, to the extent of any unfilled balance, be charged against the level of restraint established for such goods during the period of May 1, 1969 through April 30, 1970. In the event that the level of restraint established for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The level of restraint set forth above is subject to adjustment pursuant to the provisions of the bilateral agreement of August 29, 1969, between the Governments of the United States and the Czechoslovak Socialist Republic which provide, in part, that within the aggregate limit, the limitation on Category 26 (other than duck)¹ may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Czechoslovak Socialist Republic and with respect to imports of cotton textiles and cotton textile products from the Czechoslovak Socialist Republic have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

ROCCO C. SICILIANO,
*Acting Secretary of Commerce,
Chairman, President's Cabinet
Textile Advisory Committee*

¹ The T.S.U.S.A. Nos. for duck fabric not covered by this directive are:

320.—01 through 04, 06, 08

321.—01 through 04, 06, 08

322.—01 through 04, 06, 08

326.—01 through 04, 06, 08

327.—01 through 04, 06, 08

328.—01 through 04, 06, 08

(T.D. 70-129)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., May 26, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from May 18 through May 22, 1970, rate of \$0.284999.

Denmark krone:

May 18, 1970	-----	\$0. 133200
May 19, 1970	-----	. 133204
May 20, 1970	-----	. 133308
May 21, 1970	-----	. 133325
May 22, 1970	-----	. 133333

Hong Kong dollar:

Official rate of \$0.163750 for the period from May 4 through May 8, 1970, and the following Free rates:

May 4, 1970	-----	\$0. 164259
May 5, 1970	-----	. 164327
May 6, 1970	-----	. 164293
May 7, 1970	-----	. 164327
May 8, 1970	-----	. 164293

Iran rial:

For the period from May 11 through May 15, 1970, rate of \$0.0130333.

Philippine peso:

Official rate of \$0.256410* for the period from May 11 through May 15, 1970, and the following Free rates:

May 11, 1970	-----	\$0. 162000*
May 12, 1970	-----	. 162000*
May 13, 1970	-----	. 161533*
May 14, 1970	-----	. 160766*
May 15, 1970	-----	. 161200*

*Certified as nominal rate

Thailand baht (tical) :

For the period from May 11 through May 15, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

(T.D. 70-130)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., May 28, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.

(133.121)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Ruling.

TARIFF CLASSIFICATION

T.D. 70-130(1) *Articles of cork, nspf. Cork clogs.*—Cork shoe platforms with attached heel, described as cork clogs, with soles and lifts of a plastic-type material but imported without uppers, used in the manufacture of women's shoes, are classifiable under the provision for articles nspf, of cork, in *item 220.50*, TSUS. Bureau letter dated May 6, 1970. (482)

T.D. 70-130(2) *Benzenoid products. Pesticides.*—Liquid herbicide containing the sodium salt of N-1-naphthylphthalamic acid and a granular herbicide containing N-1-naphthylphthalamic acid and isopropyl-N-(3 chlorophenyl) carbamate (also known as Chloro IPC), both products used for pre-emergence control of annual grasses and broadleaf weeds and having as active ingredients benzenoid pesticides, are classifiable under the provision for benzenoid pesticides in *item 405.15*, TSUS. Bureau letter dated May 5, 1970. (417.0)

T.D. 70-130(3) *Edible preparations, nspf. Guacamole salad.*—Guacamole salad, fresh or frozen, consisting of avocado, tomato, onion,

salt, pepper, and preservatives, classifiable under the provision for edible preparations, nsfp, in *item 182.95*, TSUS, and not under the provision for avocados as an edible fruit in *item 146.30*, TSUS, due to the presence of significant amounts of such vegetables as tomato and onion. Bureau letter dated May 5, 1970. (462.5)

T.D. 70-130(4) *Electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus. Alarm equipment.*—Ground detector alarm equipment used in hospitals to monitor resistive and capacitive leakage faults in electrical systems and energize a flashing red signal and an intermittent audible alarm signal, classifiable under the provision for other electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus, in *item 712.49*, TSUS. Bureau letter dated May 12, 1970. (431)

T.D. 70-130(5) *Flat goods, of other materials. Coin holder.*—A coin holder composed of a hard plastic, 2 inches square and 1/2-inch thick, having four press down slots for the insertion of different size coins, classifiable under the provision for flat goods, of other materials, in *item 706.60*, TSUS. Bureau letter dated May 8, 1970. (418.44)

T.D. 70-130(6) *Golf equipment. Golfer's aid.*—Aluminum brass anodized rod, 33 inches long and 1 inch wide, imprinted with graduated calibrations and various directionals and equipped with two adjustable strips, for use by golfers in correcting faulty posture and position, classifiable under the provision for other golf equipment, in *item 734.77*, TSUS. Bureau letter dated May 8, 1970. (492.232)

T.D. 70-130(7) *Hose, suitable for gases or liquids, of textile materials. Fire hose.*—Fire hose, single-jacket, by value breakdown consisting of 40 percent each of cotton and rubber and 20 percent tetron, in chief value of the combined textile materials, cotton and tetron, and not the rubber component material, classifiable under the provision for hose suitable for conducting gases or liquids, of other textile materials, in *item 357.95*, TSUS. T.D. 56059(22), noted. Bureau letter dated May 7, 1970. (472.63)

T.D. 70-130(8) *Motor vehicles for the transport of persons or articles. Canadian article.*—Passenger vehicle for off-highway use, equipped with large, ribbed tires for maximum traction, a one cylinder, 20 horsepower engine, and designed to accommodate 3 passengers, and to provide high ground clearance, classifiable under the provision for motor vehicles for the transport of persons or articles in *item 692.10*, TSUS. If a "Canadian Articles" as defined in *General Headnote 3(d)*, TSUS, classifiable in *item 692.11*, TSUS. Bureau letter dated May 11, 1970. (433.9)

T.D. 70-130(9) Nitrogenous compounds. Herbicide.—4-Amino-6-t-butyl-3-(methylthio)-as-triazin-5-(4H)-one, a herbicide, as classifiable under the provision for other compounds containing a triazine ring in *item 425.10*, TSUS. Bureau letter dated May 5, 1970. (411.2)

T.D. 70-130(10) Other men's or boys' wearing apparel. Jacket.—A jacket consisting of a cotton corduroy shell laminated with a foam backing, an inner pile lining of man-made fibers, and sleeve linings of quilted man-made fibers, is classifiable under the provision for other men's or boys' wearing apparel, not knit, in *item 380.09, 380.12, or 380.84*, TSUS, according to value and component material in chief value. Bureau letter dated May 5, 1970. (471.3)

T.D. 70-130(11) Pressure sensitive articles. Words and phrases: Decalcomania defined.—Printed matter on film of plastic, the printed surface of which is coated with a pressure sensitive adhesive that is covered with a protective brown paper which, in use, is removed and the entire article mounted to a surface is not a decalcomania for tariff purposes. "Webster's Seventh New Collegiate Dictionary" defines "decalcomania" as (1) the art or process of transferring pictures and designs from specially prepared paper (as to glass), and (2) a picture or design prepared for transfer by decalcomania. "The Dictionary of Paper," Third Edition, defines "decalcomania" as a process of *transferring* printed designs to porcelain, wood, glass, marble, etc. It consists usually in gumming the paper or other film bearing the colored picture onto the object and then removing the paper with warm water, the colored picture remaining. Accordingly, the merchandise in question is classifiable under the provision for pressure sensitive sheets, strips, tapes, stencils, monograms, and other flat shapes or forms, in *item 790.55*, TSUS. Bureau letter dated May 8, 1970. (484.42)

T.D. 70-130(12) Radio reception apparatus, and parts thereof. Automotive antenna assembly.—An antenna assembly, chiefly used for radio reception, classifiable under the provision for radio reception apparatus and parts thereof, in *item 685.25*, TSUS. Bureau letter dated May 5, 1970. (431)

T.D. 70-130(13) Spraying appliances, mechanical, for liquids or powders. Spray gun rinser.—Spray gun rinser, a trigger-operated device connected to a 3/4-inch watercock for use in laboratories, hospitals, and nursing homes in order to clean needles, syringes, bottles, flasks, and other laboratory and surgical instruments, classifiable as other mechanical appliances, whether or not hand operated, for projecting, dispersing, or spraying liquids, in *item 662.50*, TSUS. Bureau letter dated May 6, 1970. (426.85)

T.D. 70-130(14) Thermometers. Articles in which thermometers are incorporated as significant integral parts. Wooden wall plaques.—

A wooden wall plaque, hand-carved in the likeness of an animal, with a thermometer mounted on it, and apparently designed to be hung in a child's room, is classifiable under the provision for articles in which thermometers are incorporated as significant integral parts, in *item 711.67*, TSUS. Bureau letter dated May 12, 1970. (443.512)

(T.D. 70-131)

Bonds

Approval and discontinuance of consolidated aircraft bonds (air carrier blanket bonds), Customs Form 7605

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., June 1, 1970.

The following consolidated aircraft bonds have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following which has been discontinued. If the surety was different on the previous bond, the information is shown in a footnote at end of list.

Name of principal and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
Air West, Inc., San Francisco Int'l Airport, San Francisco, Calif.; Argonaut Ins. Co. PB(4-17-68) D 4-3-70 ¹	Mar. 31, 1970	Apr. 3, 1970	Seattle, Wash.; \$100,000
Czechoslovak Airlines, National Air Carrier of the Czechoslovakian Socialist Republic, 549 Fifth Ave., New York, N.Y.; American Home Insurance Co.	Apr. 23, 1970	Apr. 30, 1970	New York, N.Y.; \$100,000
Northeast Airlines, Inc., Logan Int'l Airport, Boston, Mass.; National Grange Mutual Ins. Co. PB(3-1-68) D 4-15-70 ²	Mar. 5, 1970	Apr. 15, 1970	Boston, Mass.; \$100,000

¹ Surety is Seaboard Surety Co.

² Surety is St. Paul Fire & Marine Ins. Co.

The foregoing principals have been designated as carriers of bonded merchandise.

(232.1)

ROBERT V. McINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(T.D. 70-132)

Cotton textiles—Restriction on entry

Restriction on entry of category 22 cotton textiles manufactured or produced in Malaysia

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., June 2, 1970.

There is published below the directive of May 20, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the United States of cotton textiles in category 22, manufactured or produced in Malaysia.

This directive was published in the Federal Register on May 23, 1970 (35 F.R. 7999), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE

WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

May 20, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective May 24, 1970, and for the twelve-month period extending through May 23, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles in Category 22, produced or manufactured in Malaysia, in excess of a level of restraint for the period of 254,678 square yards.

In carrying out this directive, entries of cotton textiles in Category 22, produced or manufactured in Malaysia, which have been exported to the United States from Malaysia prior to May 24, 1970, shall, to

the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period May 24, 1969, through May 23, 1970. In the event that the above level of restraint has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 22 in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-133)

Special classes of merchandise—Customs Regulations amended

Part 12, Customs Regulations, relating to import quotas on coffee from non-member countries of the International Coffee Organization

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 12—SPECIAL CLASSES OF MERCHANDISE

Pursuant to section 12.71 of the Customs Regulations, as amended by T.D. 69-251, imports of coffee from nonmember countries of the International Coffee Organization have been established at the level of

6,207,316 pounds for the quota year beginning November 15, 1969. Of this total, the country of Yemen has been allotted a specific quota of 1,851,864 pounds.

The Department of State has now requested the Bureau of Customs to eliminate the specific quota allotted to Yemen and include that quota in the basket quota. This request is based on the fact that for the quota year ending November 14, 1969, the basket quota was completely filled while only 13% of the quota allotted Yemen was utilized. Preliminary statistics indicate that the quota for Yemen will again be unfilled this year whereas the basket quota for all other nonmember countries has already been filled. Since there is no provision for transferring any unused portion of the Yemen quota to the basket quota, this means that the nonmember quota which the United States is allowed under the International Coffee Agreement is not being fully utilized.

Section 12.71 (a) and (b) of the Customs Regulations is accordingly amended to read as follows:

12.71 Import quotas on coffee.—(a) *Applicability.* Coffee produced in nonmember countries of the International Coffee Organization is subject to import quotas pursuant to Article 45 of the International Coffee Agreement, 1968.

(b) *Basket quota.* All coffee not specifically identified as a product of or shipment from a member country shall be charged to the quota of 6,207,316 pounds of green coffee which is established for the quota year beginning November 15, 1969. Not more than 50 percent of the quota may be entered during the first 6 months of the quota year (November 15–May 14). (Sec. 302(1), 82 Stat. 1348; 19 U.S.C. 1356f(1). E.O. 11449, January 22, 1969, 34 F.R. 917)

Effective Date. This amendment shall become effective 15 days after its publication in the Federal Register.

(343.3)

EDWIN F. RAINS,

Acting Commissioner of Customs.

Approved June 1, 1970:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register June 9, 1970 (35 F.R. 8885)]

(T.D. 70-134)

Customs Regulations redesignated

Parts 26, 30, 31, 32, 33, and 53 redesignated

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 26—AVAILABILITY OF INFORMATION

PART 30—FOREIGN TRADE ZONES

PART 31—CUSTOMHOUSE BROKERS

PART 32—TRADE FAIRS

PART 33—CARNETS

PART 53—ANTIDUMPING

In the course of the general revision of the Customs Regulations now in progress, a complete rearrangement of material and parts is contemplated. In order to facilitate this undertaking, part numbers 101 through 199 have been assigned for use in the revision. In accordance with this plan, it has been decided to redesignate those parts of the Customs Regulations which have been revised or were published originally in the format of the revision.

Accordingly, Chapter I of title 19 of the Code of Federal Regulations is amended by redesignating Parts 26, 30, 31, 32, 33, and 53 as follows:

1. Part 26 is redesignated as Part 103.
2. Part 30 is redesignated as Part 146.
3. Part 31 is redesignated as Part 111.
4. Part 32 is redesignated as Part 147.
5. Part 33 is redesignated as Part 114.
6. Part 53 is redesignated as Part 153.

The text of the redesignated parts is set forth below. Since this amendment merely redesignates existing regulatory material, notice and public procedure thereon are unnecessary, and good cause exists for making it effective on publication.

Effective date. This amendment shall be effective upon the date of publication in the Federal Register.

(014.1)

EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved May 28, 1970:

WILLIAM L. DICKEY,
Acting Assistant Secretary of the Treasury.

[Published in the Federal Register June 13, 1970 (35 F.R. 9251)]

PART 103—AVAILABILITY OF INFORMATION

- 103.1 Scope.
- 103.2 Availability of Customs documents.
- 103.3 Other Customs records.
- 103.4 Application for inspection, copying, or otherwise obtaining copy of Customs documents.
- 103.5 Deletion of identifying details from documents.
- 103.6 Public facilities for inspection and copying—Customs Reading Rooms.
- 103.7 Classes of Customs documents exempt from disclosure.
- 103.8 Information for the press and associations.
- 103.9 Sanction for improper disclosure by Customs officer or employee.
- 103.10 Statements for publication.
- 103.11 Testimony or the production of documents in court.

Authority: The provisions of this Part 103 issued under 5 U.S.C. 301, 552 as amended.

103.1 Scope.—This part contains the regulations governing the inspection, copying, or otherwise obtaining copies of Customs opinions, orders made in the adjudication of cases, rulings and records. It also contains the general rules covering the release of certain information to the press and the giving of testimony or the production of Customs documents in court.

103.2 Availability of Customs documents.—(a) *Administrative manuals and instructions to staff.* Except as exempted by section 103.7, all administrative staff manuals and instructions to staff that affect any member of the public and indices thereto, are available for public inspection and copying in the Bureau of Customs Reading Rooms (section 103.6). The following are some of the administrative manuals or instructions to staff which will be available:

Catalogue of Customs Forms.

Customs Laboratory Methods.

Marking Digest.

Monthly Checklists of Bureau of Customs Circular Letters.

(b) *Opinions, orders, rulings of precedential significance, statements of policy, and interpretations.* An index to the Bureau of Customs opinions, orders made in the adjudication of cases, rulings which are relied upon, used, or cited as precedents, statements of policy and interpretations not published in the Federal Register, if any (except opinions, orders, rulings, statements of policy and interpretations which are exempted from the requirement for disclosure under section 103.7), is available for public reference in the Bureau of Customs Reading Rooms (section 103.6). For the most part such opinions, orders, rulings, and interpretations are in the form of letters addressed to regional commissioners or district directors of Customs or to parties in interest, ruling upon questions arising under Customs and navigation laws, and other related laws. Abstracts of such opinions, orders, or rulings are published in the Customs Bulletin. Copies of the abstracted documents are available for public inspection and copying in the Bureau of Customs Reading Room at Washington, D.C. (section 103.6). Copies of such opinions, orders, or rulings addressed to Customs field officers or promulgated by Customs field officers and relied upon, used, or cited as precedents also are available in the Reading Rooms serving the respective Customs offices to which they relate (section 103.6).

(c) *Fee for copies.* A fee for copies furnished under paragraphs (a) and (b) will be charged in accordance with section 24.12 of this chapter.

103.3 Other Customs records.—(a) *General.* In general all other documents issued by the Secretary of the Treasury, the Commissioner of Customs, or other officials of the Treasury Department or the Bureau of Customs in matters administered by the Bureau of Customs, if sufficiently identified, and unless exempted from disclosure under section 103.7, are available for inspection. Copies thereof may be obtained by request in person, or by correspondence. (Sections 103.4, 103.6.) However, documents contained in files on pending matters may be withheld from inspection or copying in the interest of effective operation.

(b) *Classes of records available for inspection and copying.* The following classes of records of the Bureau of Customs may be inspected and copied, upon request. Individual documents in certain records may be exempt from disclosure under section 103.7, or may be made available with identifying details deleted. The list does not purport to be exhaustive:

(1) Records relating to

(i) Comments submitted by private parties in response to a published notice of proposed rule making and of proposed changes

in tariff classification, unless the submitter states clearly that the information is privileged or confidential, giving reasons therefor, and the Commissioner of Customs agrees that the information contained therein is entitled to exemption from disclosure under section 103.7.

(ii) Advisory committees on Customs matters.

(iii) Rosters of licensed customhouse brokers.

(iv) Names of individual licensed customhouse brokers.

(v) Names and titles of all Customs personnel.

(vi) Performance awards.

(vii) Suggestion awards.

(viii) Proceedings under the countervailing duty provision of the Tariff Act of 1930, after publication of notice or order to countervail.

(ix) The administration of and decisions concerning import quotas.

(x) Proceedings under the Antidumping Act, 1921 (19 U.S.C. 160, *et seq.*), as provided for in section 153.23 of this chapter.

(2) Records relating to decisions concerning

(i) Matters arising under the Tariff Schedules of the United States.

(ii) Whether or not specific items, articles, or merchandise qualify for entry under the Trade Fair Act of 1959 (19 U.S.C. 1751 *et seq.*), and decisions concerning disposition of articles previously entered under the Trade Fair Act; Customs participation and assistance at Trade Fairs.

(iii) The dutiable status of gifts pursuant to section 321, Tariff Act of 1930 (19 U.S.C. 1321).

(iv) The eligibility of vehicles used in international traffic pursuant to section 322(a), Tariff Act of 1930 (19 U.S.C. 1322(a)) and other instruments of international traffic generally for duty-free entry.

(v) Prohibition from entry of merchandise produced by convict, forced, or indentured labor.

(vi) The entry or valuation of merchandise.

(vii) Liens in cases arising under section 564, Tariff Act of 1930 (19 U.S.C. 1564).

(viii) Bills of lading, carriers' certificates, or rights in respect of merchandise, cases arising under section 483 or 484 (c), (h), or (i), Tariff Act of 1930 (19 U.S.C. 1483, 1484).

(ix) Trademarks, trade names, copyrights, patents, and related matters.

(x) Country of origin marking requirements of section 304, Tariff Act of 1930 (19 U.S.C. 1304), as amended.

(xi) Psittacine or other birds, bird feathers, bird skins, monkeys, dogs, cats, and other animals and pets prohibited entry or subject to restrictions and controls on entry.

(xii) Entry of articles admitted temporarily free of duty under bond as provided in Schedule 8, Part 5C, Tariff Schedules of the United States.

(xiii) Tonnage taxes (regular, special, and discriminatory) and light money.

(xiv) The entry, clearance, and use of vessels and permits for them to proceed coastwise.

(xv) The regulation of vessels in the foreign, coastal, fishing, and other trades of the United States.

(xvi) The limitation of the use of foreign vessels in waters under the jurisdiction of the United States.

(xvii) Salvage operations by vessels within the territorial waters of the United States.

(xviii) The assessment and collection of duties on equipment or repairs of vessels or aircraft under section 466, Tariff Act of 1930 (19 U.S.C. 257, 258) and decisions regarding the remission or refund of such duties.

(xix) Requirements for entry, clearance, and use of aircraft.

(xx) The arrival or departure and the use of motor vehicles, railway trains, or other vehicles.

(xxi) Adequacy of premises at Customs bonded warehouses and control of the merchandise stored therein.

(xxii) Use of protective Customs seals and labels.

103.4 Application for inspection, copying, or otherwise obtaining copy of Customs documents.—(a) *Where to apply.* Permission to inspect or to obtain copies of Customs documents which are not exempted from disclosure under section 103.7 may be obtained by application in person or by correspondence. Application in person may be made at the Bureau of Customs Reading Rooms (section 103.6); application in writing should be addressed to:

Assistant Commissioner of Customs
Office of Regulations and Rulings
Bureau of Customs
2100 K Street, N.W.
Washington, D.C. 20226

or if a record desired to be inspected is in a Customs regional or district office the application shall be addressed to the Regional Commissioner or District Director of Customs.

(b) *Description of document requested.* An application to inspect or copy a document must provide such a reasonably specific description of the particular document sought as will reasonably enable the record clerk to locate it. The burden of identification is that of the applicant.

(c) *Processing of application.* Upon receipt of a request to inspect, copy or purchase a copy of any Customs document, the applicant will be advised whether the information, or any part thereof, may be released to the applicant, with or without the deletion of identifying details. If it is concluded that the document or any part thereof may be released to the applicant he will be advised of the cost of securing the information or a copy of the document and the manner of making payment. Upon receipt of this amount, or of a guarantee of payment, the information or copy will be made available.

(d) *Grant of request.* If the document may be inspected, copied, or otherwise released the applicant shall be so advised. If it is decided that the document may be released, but that certain identifying details should be deleted to prevent the disclosure of information exempted from disclosure under section 103.7, the applicant shall be advised and the reason for the deletion shall be stated (section 103.5). In either case the applicant will be advised of the fee charged for securing the files and cost of copying the material (section 24.12 of this chapter).

(e) *Denial of request.* Any decision that a document should not be inspected, copied, or otherwise released, shall be reviewed by the Commissioner of Customs, except cases clearly covered by a previous decision made by the Commissioner. The Commissioner of Customs will promptly advise the applicant of the result of his review. If the Commissioner finds that the request should be denied such denial will state the reason therefor.

103.5 Deletion of identifying details from documents.—(a) *General.* Where an opinion, order, ruling, or other Customs document contains information of the type described in paragraph (b) but the actual opinion, order, ruling, or substance of the document can be separated from the exempted matter, partial copies containing only such parts as can properly be disclosed will be furnished insofar as practicable.

(b) *Reasons for deletion.* Ordinarily, information will be deleted which:

(1) relates to details of business transactions of private parties the disclosure of which may be detrimental to the interests of the parties involved.

(Example: The name of the importer or exporter, or other member of the public directly concerned, generally will be

deleted from any document if its inclusion in the document would disclose trade secrets, the operations of his business or other commercial or financial information.)

(2) was submitted in reliance upon a long-established assurance that such information will be kept in confidence and used only for official purposes, or

(3) is prohibited from disclosure by law.

(c) *Decision to delete.* Any document from which identifying details have been deleted must be accompanied by a statement in writing expressing the reason for the deletion.

103.6 Public facilities for inspection and copying—Customs Reading Rooms.—Facilities for locating, inspecting, and copying Bureau of Customs indexed rulings will be located in the Bureau of Customs Reading Rooms. The Reading Room in the Bureau of Customs at Washington, D.C., is located at:

2100 K Street, N.W.

Washington, D.C. 20226

The Reading Rooms outside the Washington area are located at the headquarters offices for each Customs region:

Region I—Boston

24th Floor, John F. Kennedy

Bldg.

Government Center

Boston, Massachusetts 02203

Region II—New York

220 Customhouse

Bowling Green

New York, New York 10004

Region III—Baltimore

40 S. Gay Street

U.S. Customhouse

Baltimore, Maryland 21202

Region IV—Miami

51 S.W. First Avenue

Room 1604

Miami, Florida 33130

Region V—New Orleans

Room 13036

Federal Building

701 Loyola Avenue

New Orleans, Louisiana 70113

Region VI—Houston

Room 7208

New Federal Building

515 Rusk Avenue, P.O. Box
61149

Houston, Texas 77061

Region VII—Los Angeles

New Federal Building

300 No. Los Angeles Street

Los Angeles, California 90012

Region VIII—San Francisco

New Federal Building

450 Golden Gate Avenue

Box 36117

San Francisco, California 94102

Region IX—Chicago

623 South Wabash Avenue

Chicago, Illinois 60605

The Reading Rooms are open to the public from 9:00 a.m. to 4:30 p.m. unless other hours are posted, Monday through Friday of each week, exclusive of national holidays. A fee for copies of requested material will be charged. (Section 24.12 of this chapter.)

103.7 Classes of Customs documents exempt from disclosure.—

Bureau of Customs opinions, orders, rulings, statements of policy, interpretations, and records generally may be inspected, copied or otherwise obtained unless they relate to the following:

(a) Matters specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy. This includes:

(1) Special category export shipments the disclosure of which might endanger the security of the United States. Such restriction upon disclosure is in effect during any period covered by a finding by the President under section 1 of the Act of August 9, 1950, as amended (50 U.S.C. 191). Such a finding was made by Executive Order No. 10173, October 18, 1950 (3 CFR 1949-1953 Comp. p. 356; 15 F.R. 7005).

(2) Material classified as "Top Secret," "Secret," or "Confidential" under Executive Order No. 10501, of November 5, 1953, 18 F.R. 7049, as amended.

(b) Information relating solely to the internal personnel rules and practices. This includes guidelines, operational rules, and procedural manuals for the guidance of Customs officers and employees which relate to such functions as investigation, inspection, auditing, and other functions of a like nature. Examples of this type of information are:

Audit Manual.

Audit Standards and Techniques Manual.

Customs Accounting Manual.

Emergency Planning Manual.

Enforcement and Technical Investigation Manuals.

Inspectors' Manual.

Sampling Guide.

(c) Information specifically exempted from disclosure by statute. This includes information pertaining to trade secrets, business operations, and commercial or financial information of importers, exporters, and other persons who transact Customs business (18 U.S.C. 1905).

(d) Trade secrets and commercial or financial information obtained from any person and privileged or confidential. The information contained in invoices, entries, vessels' manifests, export declarations, official reports of investigating officers, records, pertaining to the licensing of and the revocation or suspension of a license of a customhouse broker, and other papers or documents filed with Customs officers for

any official purpose which contain trade secrets, or commercial or financial information, is exempt from disclosure, except for the purpose for which such documents are required to be filed. However, information contained in vessels' manifests and summary statistical reports of importations and exportations are available for inspection and copying by certain representatives of the press to the extent permitted by section 103.8. Further, importers and exporters or their duly authorized brokers, attorneys, or agents, may be permitted to examine manifests with respect to any consignment of goods in which they have a proper and legal interest as principal or agent, but shall not be permitted to make any general examination of manifests or make any copies or notations from them except with reference to the particular importation or exportation in which they have a proper and legal interest. Information obtained in connection with investigations under the Antidumping Act, 1921 (10 U.S.C. 160 *et seq.*), is available for disclosure under the provisions of section 153.23 of this chapter.

(e) Inter-agency or intra-agency memoranda or letters which would not be available by law to a private party in litigation. This information includes, but is not limited to, memoranda expressing the views of subordinates, comments endorsing or dissenting from conclusions reached in official rulings, work papers, and other informal expressions of view, certain documents addressed to other Government agencies (unless such documents are released for disclosure by the recipient).

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. These include, but are not limited to, leave records of individual employees, personnel investigative records, personnel security records, personnel financial statements submitted in connection with conflicts of interest and other records which relate to the private, personal, financial, or business affairs of an individual employee or members of his family, unless the person concerned or his duly authorized agent authorizes disclosure, or unless otherwise made available in this part.

(g) Investigatory files compiled for law enforcement purposes except to the extent that they are available by law to a private party. Some examples of records included in this category are investigative reports relating to: The value and classification for tariff purposes of imported merchandise; suspected violations of section 592 of the Tariff Act of 1930 (19 U.S.C. 1592); allegations of the importation of merchandise into the United States in contravention of the countervailing duty provision (19 U.S.C. 1303); the importation of certain books, pictures, or other articles in contravention of the so-called "obscenity statute" (19 U.S.C. 1305). This listing is intended to be

illustrative only, and is not intended to be, and is not, an exhaustive listing.

103.8 Information for the press and associations.—(a) *Disclosure to members of the press.* Although the following classes of information are exempt from the requirement of disclosure under the provision of section 103.7, accredited representatives of the press, including newspapers, commercial magazines, trade journals, and similar publications may be permitted to examine vessels' manifests and summary statistical reports of imports and exports and to copy therefrom for publication information and data not of a confidential nature, subject to the following rules:

(1) Of the information and data appearing on outward manifests, only the general character, destination, and quantity (or value) of the commodity, name of vessel, and country of destination may be copied and published. Where the manifests show both quantity and value, either may be copied and published, but not both in any instance.

(2) Commercial or financial information, such as the names of the shippers and consignees, marks and numbers, and both quantities and values of commodities shall not be copied from outward manifests or any other papers.

(3) Of the information shown on inward manifests, only the name of the consignee, the general character of the commodity, the quantity (or value), name of vessel, and the country of dispatch shall be copied and published. When an inward manifest shows both quantity and value of the commodity, either may be copied and published, but not both in any instance.

(b) *Review of data.* All copies and notations from inward or outward manifests shall be submitted for examination by a Customs officer designated for that purpose.

(c) *Disclosure to members of associations.* Accredited representatives of regularly established associations, whether incorporated or not, shall be permitted to obtain information from, but not examine, vessels' manifests for the purpose of securing data relative to merchandise of the kind or class in the importation of which the association is interested, subject to the foregoing rules, but this authority does not extend to attorneys, agents, or customhouse brokers acting on behalf of individual importers.

(d) *Suspension of disclosure.*

(1) Except as provided in section 103.11, upon written application of a consignee or importer access to the name of such consignee or importer on a manifest will thereafter be refused.

(2) If any individual shall abuse the privilege granted him of examining inward and outward manifest or shall make any improper

use of any information or data obtained from such manifests or other papers filed in the customhouse, both he and the party or publication which he represents shall thereafter be denied access to such papers.

103.9 Sanction for improper disclosure by Customs officer or employee.—The disclosure of the confidential information contained in Customs documents or the disclosure to one importer or exporter of information relative to the business of another importer or exporter acquired by any Customs officer or employee by reason of his official employment shall constitute grounds for dismissal from the Service, suspension, or other disciplinary action, and if done for a valuable consideration will subject such person to criminal prosecution.

103.10 Statements for publication.—District directors of Customs or other Custom officers shall refrain from disclosing facts concerning seizures, investigations, and other pending cases until Customs action is completed. The district director of Customs or other authorized Customs officer, may make public information concerning any case involving an offense against the Customs and navigation laws after completion of the investigation and the case has been closed by final Customs action, such as settlement of a civil liability or reference of a case to the United States attorney for handling. Field officers shall exercise proper restraint and judgment in disclosing local transactions.

103.11 Testimony or the production of documents in court.—

(a) *General.* In answer to a legal process or demand from a court issued in behalf of the United States or an officer thereof, Customs officers or employees shall produce in court in Customs custody, and may testify with respect to, any official Customs papers or documents demanded. When any such process or demand is issued in behalf of a party other than the United States, it shall be complied with only to the extent that the party in whose behalf the paper or documents are demanded is permitted under these regulations to inspect or copy such papers or documents. Exceptions to this rule shall be made only on the written order of the Commissioner of Customs. When requested, copies may be authenticated pursuant to the provisions of section 1733, title 28, United States Code.

(b) *Request of Customs Court.* Except as stated in section 103.7, nothing in this part shall preclude Customs officers or employees from producing in the United States Customs Court in Customs custody any Customs papers or documents or from testifying or otherwise rendering all proper assistance to the court in proceedings before it when request therefor is made by the court; nor from furnishing to counsel for the United States information in, and permitting him to

inspect, Customs papers and documents requested by him, nor from testifying on behalf of the United States or otherwise assisting him in the performance of his official duties.

(c) *Subpoena or Subpoena duces tecum.* Upon being served with a subpoena or subpoena duces tecum from a court or officer thereof calling for testimony or the production of papers or documents in cases not covered by paragraphs (a) or (b) of this section, or in cases where the testimony or documents desired would disclose matters the disclosure of which would be contrary to these regulations, the matter shall be referred to the Bureau for instructions, with a report which shall specifically describe the testimony or documents desired; shall set forth the view of the submitting officer whether the giving of the testimony or the furnishing of the documents would disclose information not permitted to be disclosed under these regulations; and shall state in what particulars, if any, the disclosure of the information and work incidental thereto would interfere with the orderly conduct of Customs business. If instructions are not received prior to the date set for appearance or production of documents, or if the Bureau declines to permit their production or the disclosure of the information contained therein or otherwise within the knowledge of the Customs officer or employee whose testimony is requested, the Customs officer or employee shall appear in court or before the officer concerned in answer to the subpoena and respectfully decline to produce the documents called for or to testify, except to the extent specifically authorized elsewhere in this section, citing this regulation as authority for his refusal. If the matter has not already been referred to the Bureau for instructions, the Customs officer or employee shall advise the court or officer that it will be so referred.

PART 111—CUSTOMHOUSE BROKERS

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- 111.79 Employment of broker who has lost license.
- 111.80 Saving provision.

Authority: The provisions of this part 111 issued under R.S. 251, secs. 624, 641, 46 Stat. 759, as amended, 77A Stat. 14; 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnt. 11), 1624, 1641.

111.0 Scope.—This part sets forth regulations providing for the licensing of persons desiring to transact businesses as customhouse brokers, the qualifications required of applicants, and the procedure for applying for licenses. This part also prescribes the duties and responsibilities of customhouse brokers, the grounds for revocation or suspension of licenses, and the procedures for such revocation or suspension.

SUBPART A—GENERAL PROVISIONS

111.1 Definitions.—When used in this part, the following terms shall have the meanings indicated:

(a) *Person*. "Person" includes individuals, partnerships, associations, and corporations.

(b) *Customhouse broker*. "Customhouse broker" means a person who is licensed under this part to transact Customs business on behalf of others.

(c) *Broker*. "Broker" means "customhouse broker."

(d) *Treasury Department or any representative thereof*. "Treasury Department or any representative thereof" includes any office, officer, or employee of the Treasury Department, wherever located.

(e) *Books and papers*. "Books and papers" include all books, accounts, records, papers, documents, data processing materials (other than cards, magnetic tapes and discs, and incidental intermediate forms temporary in nature), and correspondence of a broker relating to his Customs business.

(f) *Freight forwarder*. "Freight forwarder" means a person engaged in the business of dispatching shipments on behalf of other persons for a consideration in foreign commerce between the United States, its territories or possessions, and foreign countries, and of handling the formalities incident to such shipments.

(g) *Officer of an association or corporation*. "Officer of an association or corporation" means a person who has been elected, appointed,

or designated as an officer of an association or corporation in accordance with statute, the articles of incorporation, articles of agreement, charter, or bylaws of the association or corporation.

111.2 License required.—A person shall obtain the license provided for in this part in order to transact the business of a broker. A separate license is required for each Customs district.

111.3 Transactions for which license not required.—A license is not required to engage in the following transactions with the Treasury Department or any representative thereof:

(a) *For one's own account.* An importer or exporter transacting Customs business solely on his own account and in no sense on behalf of another is not required to be licensed, nor are his authorized regular employees or officers who act only for him in the transaction of such business.

(b) *As employee of brokers.* An employee of a broker, acting solely for his employer, is not required to be licensed where:

(1) *Authorized to sign Customs documents.* The broker has authorized the employee to sign Customs documents on his behalf, and has filed a power of attorney for that purpose with the district director and at each port within the district where the broker wishes the employee to sign Customs documents. Only employees who are residents of the United States may be authorized to sign Customs documents. Or,

(2) *Authorized to transact other business.* The broker has filed with the district director a statement identifying the employee as authorized to transact business on his behalf. Such statement shall also be filed at each port within the district where the broker wishes the employee to act for him.

Where the employee is given authority under either (1) or (2), the broker must promptly give notice of the withdrawal of authority of any such employee and must exercise such supervision of his employees as will insure proper conduct on the part of the employees in the transaction of Customs business. Each broker will be held strictly responsible for the acts or omissions of his employees within the scope of their employment, and for acts or omissions of such employees which, in the exercise of reasonable care and diligence, the broker should have foreseen.

(c) *Marine transactions.* A person transacting business in connection with entry or clearance of vessels or other regulation of vessels under the navigation laws is not required to be licensed as a broker.

(d) *Transportation in bond by common carrier.* A common carrier transporting merchandise for another may make entry for such merchandise for transportation in bond without being licensed as a broker.

111.4 Representation before Government agencies.—(a) *Agencies within the Treasury Department.* A broker who represents a client in the importation or exportation of merchandise may represent the client before the Treasury Department or any representative thereof on any matter concerning such merchandise except that he shall not represent the client before Customs officers in a Customs district in which he is not licensed.

(b) *Agencies not within the Treasury Department.* In order to represent a client before any agency not within the Treasury Department, a broker shall comply with any regulations of such agency governing the appearance of representatives before it.

111.5 Prior licenses.—Licenses issued prior to the effective date of the regulations in this part shall continue in force and effect, subject to cancellation, suspension or revocation as provided in subpart D of this part.

SUBPART B—PROCEDURE TO OBTAIN LICENSE

111.11 Basic requirements. (a) *Individual.* An individual must:

- (1) Be a citizen of the United States, but not an officer or employee of the United States;
- (2) Be at least 21 years of age;
- (3) Be of good moral character; and
- (4) Establish through an examination that he has sufficient knowledge of Customs and related laws, regulations, and procedures to render valuable service to importers and exporters. Satisfactory knowledge is established in part by attaining a grade of at least 75 percent on the examination.

(b) *Partnership.* A partnership must:

- (1) Have two members of the partnership who are licensed brokers, and
- (2) Establish that it will have an office in which its Customs transactions will be performed by a licensed member of the partnership, or a qualified employee under the responsible supervision and control of the licensed members.

(c) *Association or corporation.* An association or corporation must:

- (1) Be empowered under its articles of association or articles of incorporation to transact customhouse brokerage business;
- (2) Have at least two officers who are licensed brokers; and
- (3) Establish that it will have an office in which its Customs transactions will be performed by a licensed officer or a qualified employee under the responsible supervision and control of the licensed officers.

111.12 Application for license.—(a) *Submission of application.*

An application for a broker's license shall be submitted in duplicate to the district director of the district in which the applicant intends to do business. The application shall be under oath and executed on Customs Form 3123 (individual) or Customs Form 3125 (partnership, association, or corporation). The application shall be accompanied by the fee of \$150 prescribed in section 24.12 of this chapter and one copy of the attachment required by the application form (Articles of Agreement or an affidavit signed by all partners, Articles of Agreement of the association, or the Articles of Incorporation). If the applicant proposes to operate under a trade or fictitious name in one or more States within the district, evidence of the applicant's authority to use the name in each such State must accompany the application. An application for an individual license must be submitted not later than 30 days before the scheduled examination which the applicant wishes to take.

(b) *Posting notice of application.* Upon receipt of the application the district director shall post a notice that the application has been filed. The notice shall be posted conspicuously for at least two weeks in the customhouse at the headquarters port and at the subports where the applicant proposes to maintain an office. The notice shall give the name and address of the applicant and, if the applicant is a partnership, association or corporation, the names of the members or officers thereof who are licensed as brokers. The notice shall invite written comments or information regarding the issuance of the license.

(c) *Withdrawal of application.* If the applicant advises before the date of an examination that he wishes to withdraw his application, the application shall be treated as withdrawn and the district director shall refund the application fee to the applicant.

111.13 Examination of applicant for individual license.—(a) *Examination.* The written examination shall be designed to determine the applicant's knowledge of Customs and related laws, regulations, and procedures and his fitness to render valuable service to importers and exporters. The examination will be prepared and graded in the Bureau headquarters.

(b) *Date and place of examination.* Examinations will be given at each district office on the first Monday in February, June, and October. The district director shall give the applicant notice of the exact time and place where the examination will be given.

(c) *Special examination.* The Commissioner may authorize a special examination for an applicant when a partnership, association, or corporation has less than two licensed members or officers. He may also authorize a special examination for one who will be authorized to continue the business of an individual broker. Application and a state-

ment of the reasons for the necessity of a special examination shall be filed with the district director in accordance with section 111.12(a).

(d) *Failure to appear for examination.* If the applicant fails to appear for a scheduled examination without notification in advance or explanation of the circumstances which made it impossible or impracticable to give such notification, the district director shall notify him that the application is denied because of failure to appear for examination to establish his qualifications for a license. The district director shall refund to the applicant one-half of the application fee.

(e) *Failure to pass examination.* If the applicant does not obtain a grade of at least 75 percent, the Commissioner will notify him and the district director that the application for a license is denied because of failure to pass the examination. The district director shall refund to the applicant one-half of the application fee.

(f) *Passing grade on examination.* If the applicant obtains a passing grade, the Commissioner will return the application to the district director for further processing of the application.

111.14 Investigation of the applicant.—(a) Individual license.

(1) *Applicant passing examination.* If the applicant passes the examination, the district director shall refer the application to the special agent in charge for an investigation and report.

(2) *Applicant licensed in one district.* If the applicant has a license in one district, the district director shall immediately refer the application to the special agent in charge for an investigation and report.

(b) *Partnership, association or corporation license.* The district director shall immediately refer an application for a partnership, association or corporation license to the special agent in charge for investigation and report.

(c) *Scope of investigation.* The investigation shall ascertain facts relevant to the question whether the applicant is qualified and shall cover, but need not be limited to:

(1) The accuracy of the statements made in the application;

(2) The business integrity of the applicant; and

(3) When the applicant is an individual (including a member of a partnership or an officer of an association or corporation), the character and reputation of the applicant.

(d) *Report and return of the application.* The special agent in charge shall return the application with his report and recommendation to the district director who requested the investigation. The district director shall forward the originals of the application and the agent's report to the Commissioner. The district director shall also submit his recommendation for action on the application.

(e) *Additional investigation or examination.* The Commissioner may require further investigation to be conducted if additional facts are deemed necessary to pass upon the application. The Commissioner may also require the applicant (or, in the case of a partnership, association or corporation, one or more of its members or officers) to appear in person before him or before one or more representatives of the Commissioner for the purpose of undergoing additional written or oral examination into the applicant's qualifications for a license.

111.15 Issuance of license.—If the Commissioner finds that the applicant is qualified, he will issue a license. A license for an individual who is a member of a partnership or an officer of an association or corporation will be issued in the name of the individual licensee and not in his capacity as a member or officer of the organization with which he is connected. The license shall be forwarded to the district director, who shall deliver it to the licensee. The district director shall maintain an alphabetical list of brokers licensed in his district which list shall be available to the public.

111.16 Denial of license.—(a) *Notice of denial.* If the Commissioner determines that the application for a license should be denied for any reason, notice of denial shall be given by him to the applicant and to the director of the district in which the application was filed. The notice of denial shall state the reasons why the license was not issued.

(b) *Grounds for denial.* The causes sufficient to justify denial of an application for a license shall include, but need not be limited to:

(1) Any cause which would justify suspension or revocation of the license of a broker under the provisions of section 111.53;

(2) The failure to meet any requirement set forth in section 111.11;

(3) A failure to establish the business integrity and good character of the applicant;

(4) Any willful misstatement of pertinent facts in the application;

(5) Any conduct which would be deemed unfair in commercial transactions by accepted standards;

(6) A reputation imputing to the applicant criminal, dishonest, or unethical conduct, or a record of such conduct.

111.17 Review of the denial of a license.—(a) *By the Commissioner.* At the written request of the applicant, the Commissioner may allow a further opportunity to the applicant to present information or arguments in support of his application by personal appearance or in writing, or both.

(b) *By the Secretary.* A decision of the Commissioner denying a license, upon the written request of the applicant, will be submitted to the Secretary of the Treasury for such review as the Secretary shall deem appropriate.

111.18 Reapplication for license.—An applicant who has been denied a license may reapply at any time by complying with the provisions of section 111.12 of this part.

111.19 Licenses for additional districts.—A license authorizes the transaction of Customs business only in the district for which issued. Licenses for additional districts may be obtained by:

(a) Filing with the district director of the district for which a license is desired the application prescribed in section 111.12(a). Upon receipt of the application, the district director shall follow the procedure set forth in section 111.12(b) and 111.14;

(b) Submitting the fee of \$150 with the application; and

(c) Establishing upon investigation that the applicant is prepared and qualified to render efficient service in the additional district. This includes a showing that the licensed members of a partnership or the licensed officers of an association or corporation will exercise responsible supervision and control of the proposed office. The licensed members of a partnership and the licensed officers of an association or corporation are not required to be licensed as individuals in the district for which the partnership, association or corporation is applying for an additional license. An individual licensed as a broker in one district may or may not, at the discretion of the Commissioner, be required to take another examination when applying for an additional license.

SUBPART C—DUTIES AND RESPONSIBILITIES OF CUSTOMHOUSE BROKERS

111.21 Record of Transactions.—Each broker shall keep current in a correct, orderly, and itemized manner records of account reflecting all his financial transactions as a broker. He shall keep and maintain on file a copy of each entry made by him with all supporting papers, except those documents he is required to file with Customs, and copies of all his correspondence and other papers relating to his Customs business.

111.22 Additional record of transactions.—(a) *Additional requirement.* In addition to the regular records of account required by section 111.21 of this part, each broker shall keep current a record of all of his Customs transactions on Customs Form 3079 (Record of Transactions of Licensed Customhouse Broker) in accordance with the instructions printed on the form unless an exemption has been

granted under the authority of paragraph (b) of this section. If a transaction has been handled only in part by the broker, he shall fill in only the appropriate parts of the form.

(b) *Exemption.* If the information required on Customs Form 3079 is disclosed in other books and records regularly kept and maintained by a broker and if such information is in a systematic, convenient, and readily available form so that Customs field auditors can make an effective and complete inspection thereof, the district director with the concurrence of the director, field audit, may in writing exempt the broker from the requirements of paragraph (a) of this section. A written request for the exemption shall be addressed to the district director and shall include:

(1) A statement of facts as to the records kept;
and

(2) An agreement that, if the exemption is granted, no change in the system of books and records or the manner of keeping and maintaining them will be made without prior written approval of the district director and concurrence in the change by the director, field audit.

(c) *Withdrawal of exemption.* Whenever an audit by a Customs field auditor indicates that a broker to whom an exemption has been granted as provided for in paragraph (b) of this section is not keeping and maintaining records in conformity with the requirements of the said paragraph (b), the exemption of such broker shall be withdrawn by notice in writing from the district director, and such broker shall thereafter keep and maintain records on Customs Form 3079 as required by paragraph (a) of this section.

111.23 Retention of books and papers.—(a) *Period and place of retention.* The books and papers as defined in section 111.1(e) and required by sections 111.21 and 111.22 to be kept by a broker shall be retained within the Customs district to which they relate for at least 6 years after the date of entry. When merchandise is withdrawn from a bonded warehouse, copies of papers relating to the withdrawal shall be retained for 6 years from the date of withdrawal.

(b) *Microfilming of books and papers.* A customhouse broker may, with the approval of the district director of Customs of the district in which he is licensed, record on microfilm any books and papers, other than books of account, required to be retained under the provisions of paragraph (a) of this section which are not less than 3 years old. A request for approval of the district director shall be accompanied by a description of the system of filing and indexing the spools of microfilm. Retention and availability of the microfilm during the remainder of the period of retention shall satisfy the requirements of paragraph (a) of this section.

111.24 Books and papers confidential.—The books and papers referred to in this part and pertaining to the business of the clients serviced by the broker shall be considered confidential, and the broker shall not disclose their contents or any information connected therewith to any persons other than such clients and the director, field audit, the special agent in charge, or other duly accredited agent of the United States except on subpoena by a court of competent jurisdiction.

111.25 Books and papers shall be available.—During the period of retention, the broker shall maintain his books and papers in such manner that they may readily be examined, and they shall be made available for inspection, copying, reproduction or other official use by Customs field auditors or special agents on demand within the period of retention or within any longer period of time during which they remain in the possession of the broker.

111.26 Interference with examination of books and papers.—A broker shall not refuse access to, conceal, remove, or destroy the whole or any part of any book or paper relating to his transactions as a broker which is being sought, or which the broker has reasonable grounds to believe may be sought, by the Treasury Department or any representative thereof, nor shall he otherwise interfere, or attempt to interfere, with any proper and lawful efforts to procure or reproduce information contained in such book or paper.

111.27 Audit or inspection of books and papers.—The director, field audit, shall make such audit or inspection of the books and papers required by this subpart to be kept and maintained by a broker as may be necessary to enable the district director and other proper officials of the Treasury Department to determine whether or not the broker is complying with the requirements of this part. Furthermore, the director, field audit, and/or the special agent in charge, may inspect such books and papers to obtain information regarding specific Customs transactions for the purpose of protecting importers or the revenue of the United States. The director, field audit, and the special agent in charge conducting an audit or inspection under this section shall submit a report of the findings to the Commissioner and the district director.

111.28 Responsible supervision.—Every licensed member of a partnership and every licensed officer of an association or corporation, which is licensed as a broker, shall exercise responsible supervision and control over the transaction of the customhouse business of such partnership, association or corporation.

111.29 Diligence in correspondence and paying monies.—Each broker shall exercise due diligence in making financial settlements, in answering correspondence, and in preparing or assisting in the preparation and filing of documents relating to any matter handled by him as a broker. Funds received by a broker from a client for payment of duty, tax, or other debt or obligation owing to the Government shall be paid to the Government within 30 days from date of receipt or date due, whichever is later. Each broker shall within 60 days account to clients for funds received for them from the Government, or received from a client in excess of the governmental or other charges properly payable in response to the client's business. He shall account to all other persons within 30 days of receipt for all funds advanced by a client for payment of any charges, debts or obligations due such other persons.

111.30 Change of business address, organization, or name.—
(a) *Business address.* When a broker changes his business address, he shall immediately give written notice of his new address to the Commissioner and the district director for the district in which the change of address occurs.

(b) *Organization.* A partnership, association, or corporation shall immediately notify the Commissioner and the district director of the districts where licensed of:

(1) The date on which a licensed member or officer who was one of the qualifying members or officers ceases to be a member or officer and the name of the broker who will succeed him as a qualifying member or officer; or

(2) Any change in the Articles of Agreement, Charter, or Articles of Incorporation.

(c) *Name.* A broker who changes his name, or who proposes to operate under a trade or fictitious name in one or more States within the district in which he is licensed and is authorized by State law to do so, shall submit evidence of his authority to use such name. The name shall not be used until the approval of the Commissioner has been received. In the case of a trade or fictitious name, the broker shall affix his own name in conjunction with each signature of the trade or fictitious name when signing Customs documents.

111.31 Conflict of interest.—(a) *Former officer or employee of U.S. Government.* A broker who was formerly an officer or employee in the Government service shall not represent a client before the Treasury Department or any representative thereof in any matter to which the broker gave personal consideration or gained knowledge of the facts while in the Government service, except as provided in 18 U.S.C. 207.

(b) *Assisting former officer or employee of U.S. Government.* A broker shall not knowingly assist, accept assistance from, or share fees with a person who has been employed by a client in a matter pending before the Treasury Department or any representative thereof to which matter such person gave personal consideration or gained personal knowledge of the facts or issues thereof while in the Government service.

(c) *Importations by broker or employee.* A broker who is an importer himself shall not act as broker for an importer who imports merchandise of the same general character as that imported by the broker unless the client has full knowledge of the facts. The same restriction shall apply if a broker's employee is an importer.

111.32 False information.—A broker shall not file or procure or assist in the filing of any claim, or of any document, affidavit, or other paper, known by such broker to be false; nor shall he knowingly give, or solicit or procure the giving of, any false or misleading information or testimony in any matter pending before the Treasury Department or any representative thereof.

111.33 Government records.—A broker shall not procure or attempt to procure, directly or indirectly, information from Government records or other Government sources of any kind to which access is not granted by proper authority.

111.34 Undue influence upon Government employees.—A broker shall not influence or attempt to influence the conduct of any representative of the Treasury Department in any matter pending before the Treasury Department or any representative thereof by the use of a threat, false accusation, duress, or the offer of any special inducement or promise of advantage, or by bestowing any gift or favor or other thing of value.

111.35 Acceptance of fees from attorneys.—With respect to merchandise imported after March 15, 1962, a broker shall not demand or accept from any attorney (whether directly or indirectly, including, for example, from a client as a part of any arrangement with an attorney) on account of any case litigated in any court of law or on account of any other legal service rendered by an attorney any fee or remuneration in excess of an amount measured by or commensurate with the time, effort and skill expended by the broker in performing his services.

111.36 Relations with unlicensed persons.—(a) *Service to others not to benefit unlicensed person.* A broker shall not enter into any agreement with an unlicensed person to transact Customs business for

others in such manner that the fees or other benefits resulting from the services rendered for others inure to the benefit of the unlicensed person except as provided in paragraph (b) of this section. When a broker is employed for the transaction of Customs business by an unlicensed person who is not the actual importer, the broker must transmit to the actual importer a copy of his bill for services rendered, unless the merchandise was purchased for delivery on an all free basis (duty and brokerage charges paid by the unlicensed person).

(b) *Employment by a freight forwarder.* A broker may compensate a freight forwarder for services rendered in obtaining brokerage business, providing:

(1) The importer is notified in advance by the forwarder or broker of the name of the broker selected by the forwarder for the handling of his Customs transactions;

(2) The broker transmits directly to the importer:

(i) A true copy of his brokerage charges if the fees and charges are to be collected by or through the forwarder, or

(ii) A statement of his brokerage charges and an itemized list of any charges to be collected for the account of the freight forwarder if the fees and charges are to be collected by or through the broker;

(3) No part of the agreement of compensation between the broker and the forwarder, nor any action taken pursuant thereto, shall forbid or prevent direct communication between the importer and the broker; and

(4) In making the agreement and in all actions taken pursuant thereto, the broker shall be subject to all other provisions of these regulations.

111.37 Misuse of license.—A broker shall not permit his license or his name to be used by or for any unlicensed person, other than his own employees authorized to act for him, or by or for any broker whose license is under suspension in the solicitation, promotion or performance of any Customs business or transaction.

111.38 False representation to procure employment.—A broker shall not knowingly use false or misleading representations to procure employment in any Customs matter, nor shall he represent to a client or prospective client that he can obtain any favors from the Treasury Department or any representative thereof.

111.39 Advice to client.—(a) *Withholding or false information.* A broker shall not withhold information relative to any Customs business from a client who is entitled to the information. He shall exercise due diligence to ascertain the correctness of any information

which he imparts to a client, and he shall not knowingly impart to a client false information relative to any Customs business.

(b) *Error or omission by client.* A broker who knows that a client has not complied with the law or has made an error in, or omission from, any document, affidavit, or other paper which the law requires such client to execute, shall advise his client properly of the fact of such non-compliance, error, or omission.

(c) *Illegal plans.* A broker shall not suggest to a client or a prospective client a plan known to be illegal for evading payment of any duty, tax, or other debt or obligation owing to the Government.

111.40 Appeals to reappraisal and protests.—A broker shall not act in behalf of any person, or attempt to represent any person, in respect of any appeal for reappraisal or protest, unless he shall previously have been specifically or generally authorized to do so by such person.

111.41 Endorsement of checks.—A broker shall not endorse or accept without authority of his client any Government draft, check, or warrant drawn to the order of such client.

111.42 Relations with person who is notoriously disreputable or whose license has been suspended, canceled "with prejudice," or revoked.—A broker shall not knowingly and directly or indirectly:

(a) Accept employment to effect a Customs transaction as associate, correspondent, officer, employee, agent, or subagent from any person who is notoriously disreputable or whose license as broker shall have been revoked for any cause, or whose license is under suspension, or who has had his license canceled "with prejudice;"

(b) Assist the furtherance of any Customs business or transactions of such person;

(c) Employ, or accept such assistance from, any such person, without the approval of the Commissioner (see sec. 111.79);

(d) Share fees with any such person, or

(e) Permit any such person directly or indirectly to participate, whether through ownership or otherwise, in the promotion, control, or direction of the business of the broker. Nothing herein shall be deemed to prohibit any broker from acting as a broker for any bona fide importer or exporter, notwithstanding such importer or exporter may have had his license as a customhouse broker revoked or suspended, or may be notoriously disreputable.

111.43 Display of license.—Each broker shall display his license in the principal office within the district so that it may be seen by anyone transacting business in the office. Photocopies of the license shall likewise be posted in each branch office within the district.

SUBPART D—CANCELLATION, SUSPENSION OR REVOCATION OF LICENSE

111.51 Cancellation of license.—(a) *Without prejudice.* The Commissioner may cancel a broker's license "without prejudice" upon written application by the broker if the Commissioner determines that the application for cancellation was not made in order to avoid proceedings for the suspension or revocation of the license. If he determines that the application for cancellation was made in order to avoid such proceedings, the Commissioner may cancel the license "without prejudice" if authorized by the Secretary of the Treasury.

(b) *With prejudice.* The Commissioner may cancel a broker's license "with prejudice" when specifically requested to do so by the broker. The effect of a cancellation "with prejudice" is in all respects the same as if the license had been revoked for cause by the Secretary.

111.52 Revocation by operation of law.—A license granted to a partnership, association, or corporation shall be deemed revoked by operation of law, in accordance with the provisions of section 641(a), Tariff Act of 1930, as amended (19 U.S.C. 1641(a)), if for any continuous period of more than 60 days there are not at least two members of such partnership or two officers of such association or corporation who are licensed to transact business as a customhouse broker. When a license is revoked by operation of law, the Commissioner will notify the partnership, association, or corporation of the revocation. A copy of such notice will be sent to the district director.

111.53 Grounds for suspension or revocation.—Failure or refusal to comply with the duties, responsibilities, or requirements specified in Subpart C or elsewhere in this part relating to brokers may be deemed grounds for suspension or revocation of the license of a broker. Such duties, responsibilities, or requirements are not to be considered as exclusive. Conduct not within the purview of any specification of this part may be deemed to be conduct warranting the suspension or revocation of a license under the authority of section 641(b), Tariff Act of 1930, as amended (19 U.S.C. 1641(b)).

111.54 Chief officer of the Customs.—The district director shall be the chief officer of the Customs within the scope of section 641(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1641(b)). In the case of sickness or absence of the district director, the assistant district director designated by the district director shall be the chief officer of the Customs. If the office of district director is vacant or the district director is unable to designate an assistant district director as chief officer of the Customs, the Commissioner shall designate one of the assistant district directors to be the chief officer of the Customs.

111.55 Investigation of complaints.—Every complaint or charge against a broker which may be the basis for disciplinary action shall be forwarded for investigation to the special agent in charge of the area in which the broker is located. The special agent in charge shall submit a report on the investigation to the director of the appropriate district and send a copy of it to the Commissioner.

111.56 Review of report on investigation.—The district director shall review the report of investigation to determine if there is sufficient basis to recommend that charges be preferred against the broker. He shall then submit his recommendation with supporting reasons to the Commissioner for final determination together with a proposed statement of charges when recommending that charges be preferred.

111.57 Determination by Commissioner.—(a) *Determination not to prefer charges.* If the Commissioner determines that charges will not be preferred, he shall notify the district director of his decision.

(b) *Determination to prefer charges.* If the Commissioner determines that charges will be preferred, he may also determine that the complaint or charge, supported by the agent's report of investigation, is of so serious a nature that formal proceedings for suspension or revocation of the license shall be instituted immediately without following the preliminary proceedings prescribed in section 111.59. The Commissioner shall notify the district director of his determinations and instruct him to prepare a proposed statement of charges for review by the Commissioner if not previously submitted.

111.58 Content of statement of charges.—The statement of charges shall give a plain and concise, but not necessarily detailed, description of the facts claimed to constitute grounds for suspension or revocation of the license. A statement of charges which fairly informs the accused of the charges against him so that he is able to prepare his defense shall be deemed sufficient. Different means by which a purpose might have been accomplished or different intents with which acts might have been done so as to constitute grounds for suspension or revocation of license may be alleged in the statement of charges in a single count in the alternative. If the Commissioner has determined that the preliminary proceedings prescribed in section 111.59 shall not be followed, the statement of charges shall recite the Commissioner's determination.

111.59 Preliminary proceedings.—(a) *Opportunity to participate.* Unless the Commissioner, under section 111.57, has determined that the preliminary proceedings shall not be followed, the district director shall advise the broker of his opportunity to participate in pre-

liminary proceedings with an opportunity to avoid formal proceedings against his license.

(b) *Notice of preliminary proceedings.* The district director shall serve upon the broker, as set forth in section 111.63, a notice in writing that:

- (1) Transmits a copy of the proposed statement of charges;
- (2) Informs him that 5 U.S.C. 554 and 558 will be applicable if formal proceedings are necessary;
- (3) Invites him to show cause, if he so desires, why the formal proceedings should not be instituted;
- (4) Informs him that he may make submissions and demonstrations of the character contemplated by the cited statutory provisions;
- (5) Invites any negotiation for settlement of the complaint or charge that the broker deems it desirable to enter into;
- (6) Advises him of his right to be represented by counsel; and
- (7) Specifies the place where and a reasonable time within which the broker may respond in writing and/or orally.

111.60 Request for additional information.—If, in order to prepare his defense, the broker desires additional information as to the time and place of the alleged misconduct, or the means by which it was committed, or any other more specific information concerning the alleged misconduct, he may request such information in writing. He shall set forth in his request in what respect the proposed statement of charges leaves him in doubt and describe the particular language of the proposed statement of charges as to which additional information is needed. If in the opinion of the district director such information is reasonably necessary to enable the broker to prepare his defense, he shall furnish the broker with such information.

111.61 Decision on preliminary proceedings.—The district director shall prepare a summary of any oral presentations made by the broker or his attorney and forward it to the Commissioner together with a copy of each paper filed by the broker. The district director shall also give to the Commissioner his recommendation on action to be taken as a result of the preliminary proceedings. If the Commissioner determines that the broker has satisfactorily responded to the proposed charges, and that further proceedings are not warranted he shall so inform the district director who shall notify the broker. If the Commissioner determines that the broker has not satisfactorily responded to the proposed charges, he shall so advise the district director and instruct him to prepare, sign, and serve a notice of charges and the statement of charges. If one or more of the charges in the proposed statement of charges was satisfactorily answered by

the broker, the Commissioner shall instruct the district director to omit those charges from the statement of charges.

111.62 Contents of notice of charges.—The notice of charges shall inform the broker that:

(a) Sections 554 and 558, Title 5, United States Code, are applicable to the formal proceedings;

(b) He may be represented by counsel;

(c) He will have the right to cross-examine witnesses;

(d) He will be notified within 10 days after service of this notice of the time and place of a hearing on the charges; and

(e) Prior to the hearing on the charges, he may file, in duplicate with the district director, a verified answer to the charges.

111.63 Service of notice and statement of charges.—(a) *Individual licensee.* The district director shall serve the notice of charges and the statement of charges against an individual licensee as follows:

(1) By delivery to the broker personally;

(2) By certified mail, with demand for a return card signed solely by the addressee;

(3) By any other means which the broker may have authorized in a written communication to the district director; or

(4) If attempts to serve the broker by the above methods are unsuccessful, the district director may serve the notice and statement by leaving them with the person in charge of the broker's office.

(b) *Partnership, association or corporation.* The district director shall serve the notice of charges and the statement of charges against a partnership, association, or corporation as follows:

(1) By delivery to any member of the partnership personally or to any officer of the association or corporation personally;

(2) By certified mail addressed to any such member or officer with demand for a return card signed by the addressee;

(3) By any other means which the broker may have authorized in a written communication to the district director; or

(4) If attempts to serve the broker by the above methods are unsuccessful, the district director may serve the notice and statement by leaving them with the person in charge of the broker's office.

(c) *Certified mail; evidence of service.* When the service is by certified mail, the receipt of the return card duly signed shall be satisfactory evidence of service.

111.64 Service of notice of hearing and other papers.—(a) *Notice of hearing.* Within 10 days after service of the notice and statement of charges, the district director shall serve upon the broker or his attorney, by one of the methods enumerated in section 111.63 or

by ordinary mail, a written notice of the time and place of the hearing. The hearing shall be scheduled to take place within 5 days after service of the notice of hearing.

(b) *Other papers.* Other papers relating to the hearing may be served by ordinary mail or by one of the methods set forth in section 111.63 or upon the broker's attorney.

111.65 Extension of time for hearing.—If the broker or his attorney requests in writing a delay in the hearing on the ground that additional time is necessary to prepare a defense, the district director may reschedule the hearing, notifying the broker or his attorney in writing of the extension and the new time for which the hearing has been scheduled.

111.66 Failure to appear.—When an accused broker or his attorney fails to appear for a scheduled hearing, the district director shall proceed with the hearing as scheduled, and shall hear evidence submitted on behalf of the Government. The regulations of this part shall apply as though the broker were present, and the Secretary of the Treasury may issue an order of suspension or revocation if he finds it to be in order.

111.67 Hearing.—(a) *Government representatives.* The hearing shall be before the district director who shall provide a competent reporter to make the record of the hearing. The Commissioner shall designate one or more persons to represent the Government at the hearing. The district director may designate one or more persons to assist in the proceedings.

(b) *Rights of the accused.* The broker or his attorney shall have the right to examine all exhibits offered at the hearing and shall have the right to cross-examine witnesses and to present witnesses who shall be subject to cross-examination by the Government representatives.

(c) *Interrogatories.* Upon the written request of either party, the district director may permit deposition upon oral or written interrogatories to be taken before any officer duly authorized to administer oaths for general purposes or in Customs matters. The other party to the hearing shall be given a reasonable time in which to prepare cross-interrogatories and, if the deposition is oral, shall be permitted to cross-examine the witness. The deposition shall become part of the hearing record.

(d) *Transcript of record.* When the record of the hearing has been transcribed by the reporter, the district director shall deliver a copy to the broker and the Government's representative without charge.

111.68 Proposed findings and conclusions.—The district director shall allow the parties a reasonable period of time after delivery of the transcript of record in which to submit proposed findings and conclusions and supporting reasons therefor as contemplated by 5 U.S.C. 557(c).

111.69 Recommended decision by district director.—After review of the proposed findings and conclusions submitted by the parties pursuant to section 111.68 of this part, the district director shall make his recommended decision in the case and certify the entire record to the Secretary of the Treasury. The district director's recommended decision shall conform with the requirements of 5 U.S.C. 557.

111.70 Additional submittals.—Upon receipt of the record, the Secretary of the Treasury will afford the parties a reasonable opportunity to make such additional submittals as required by 5 U.S.C. 557(c) and by the circumstances of the case.

111.71 Immaterial mistakes.—The Secretary of the Treasury will disregard an immaterial misnomer of a third person, an immaterial mistake in the description of any person, thing, or place, or the ownership of any property, any other immaterial mistake in the statement of charges or a failure to prove immaterial allegations in the description of the accused's conduct.

111.72 Dismissal subject to new proceedings.—If the Secretary of the Treasury finds that the evidence produced at the hearing indicates that a proper disposition of the case cannot be made on the basis of the charges preferred, he may instruct the district director to serve appropriate charges as a basis for new proceedings to be conducted in accordance with the procedure set forth in this subpart.

111.73 Partial proof of charges.—If the Secretary of the Treasury finds that one or more of the charges in the statement of charges is not sufficiently proved, he may base his decision on any remaining charges if the facts alleged in the charges are established by the evidence.

111.74 Decision and notice of suspension or revocation.—If the Secretary of the Treasury in the exercise of his discretion issues an order of suspension or revocation of the license of a broker, the Commissioner of Customs will notify the broker and publish a notice of suspension or revocation in the Federal Register and in the Customs Bulletin.

111.75 Appeal from the Secretary's decision.—An appeal from the order of the Secretary of the Treasury suspending or revoking a

license may be taken in accordance with the provisions of section 641(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1641(b)). The commencement of such proceedings shall, unless specifically ordered by the Court, operate as a stay of the Secretary's order of suspension or revocation.

111.76 Reopening the case.—(a) *Grounds for reopening.* Any person whose license has been suspended or revoked may make written application in duplicate to the district director to have the order of suspension or revocation set aside or modified upon the ground of newly discovered evidence or that important evidence is now available which could not be produced at the original hearing by the exercise of due diligence. The application must set forth specifically the precise character of the evidence to be relied upon and shall state the reasons why the applicant was unable to produce it when the original charges were heard.

(b) *Procedure.* The district director shall forward the application with his recommendation to the Secretary of the Treasury. The Secretary may grant or deny the application for reopening of the case and may order the taking of additional testimony before the district director. The district director shall notify the applicant of the Secretary's decision. If the Secretary grants the application and orders a hearing, the district director shall set a time and place for such hearing and give due notice thereof to the applicant. The procedure governing the additional hearing and recommended decision of the district director shall be the same as that governing the original proceeding.

111.77 Notice of reinstatement.—If the Secretary of the Treasury issues an order vacating or modifying the prior order of suspension or revocation, the Commissioner will notify the broker and publish a notice of the new order in the Federal Register and the Customs Bulletin.

111.78 Reprimands.—If a broker fails to observe and fulfill the duties and responsibilities of a broker as set forth in this part but such failure is not sufficiently serious to warrant initiation of suspension or revocation proceedings the Commissioner or the district director, with the approval of the Commissioner, may serve the broker with a written reprimand. Such reprimand and the facts on which it is based, may be considered in connection with any future disciplinary proceeding that may be instituted.

111.79 Employment of broker who has lost license.—Five years after the revocation or cancellation "with prejudice" of a license, the

ex-broker may petition the Commissioner for authorization to accept employment with or to assist a licensed broker. Such petition shall not be approved unless the Commissioner is satisfied that the petitioner has refrained from all activities in any way violative of the provisions of section 111.42 and that petitioner's conduct has been exemplary during the period of disability. The Commissioner shall also give consideration to the gravity of the misconduct which gave rise to the petitioner's disability. In any case in which such misconduct leads to pecuniary loss to the Government or to any person, the Commissioner shall also take into account whether the petitioner has made reimbursement for the losses incurred.

111.80 Saving provision.—Any proceeding for revocation or suspension of a license instituted prior to December 31, 1968, shall be governed by the provisions of 19 CFR Part 31 in force at the time the proceeding was instituted.

PART 114—CARNETS

114.0 Scope.

SUBPART A—GENERAL PROVISIONS

114.1 Definitions.

114.2 Customs Conventions.

114.3 Carnets.

SUBPART B—ISSUING AND GUARANTEEING ASSOCIATIONS

114.11 Approval.

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SUBPART C—PROCESSING OF CARNETS

114.21 Acceptance.

114.22 Coverage of carnets.

114.23 Maximum period.

114.24 Additions.

114.25 Replacement of carnets.

114.26 Discharge of carnets.

SUBPART D—MISCELLANEOUS

114.31 Mail importations.

114.32 Samples for taking orders.

114.33 Action against carnet user.

Authority: The provisions of this Part 114 issued under R.S. 251, 77A Stat. 14, secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 66, 1202 (Gen. Hdnote. 11), 1623, 1624.

114.0 Scope.—This part is concerned with the use of international Customs documents known as carnets. It also contains provisions con-

cerning the approval of associations to issue carnets in the United States covering merchandise to be exported and to guarantee carnets issued abroad covering merchandise to be imported. The carnet serves simultaneously as a Customs entry document and as a Customs bond.

SUBPART A—GENERAL PROVISIONS

114.1 Definitions.—The following are general definitions for the purpose of Part 114:

(a) *Commissioner.* “Commissioner” means the Commissioner of Customs.

(b) *Issuing association.* “Issuing association” means an association approved by the Commissioner for the issue of carnets in the Customs territory of the United States under a Customs Convention to which the United States has acceded.

(c) *Guaranteeing association.* “Guaranteeing association” means an association approved by the Commissioner to guarantee the payment of obligations under carnets covering merchandise entering the Customs territory of the United States under a Customs Convention to which the United States has acceded.

(d) *A.T.A. carnet.* “A.T.A. carnet” (Admission Temporaire—Temporary Admission) means the document reproduced as the Annex to the Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods.

(e) *E.C.S. carnet.* “E.C.S. carnet” (Echantillons Commerciaux—Commercial Samples) means the document reproduced as the Annex to the Customs Convention on the E.C.S. Carnets for Commercial Samples.

114.2 Customs Conventions.—The regulations in this part relate to carnets provided for in the following Customs Conventions:

(a) Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods (hereinafter referred to as A.T.A. Convention).

(b) Customs Convention on the E.C.S. Carnets for Commercial Samples (hereinafter referred to as E.C.S. Convention).

114.3 Carnets.—A carnet issued in conformity with the provisions of a Convention identified in section 114.2 and of the regulations in this part shall serve as an entry document within the scope contemplated by the applicable Convention and as a bond for the performance of acts in compliance with the provisions of such Convention and the Customs statutes and regulations which are involved. Such carnet shall:

- (1) show the period for which it is valid,

(2) be fully completed in accordance with the provisions of the Convention which provides for its issuance, and

(3) include an English translation whenever the goods covered by a carnet are described in another language.

SUBPART B—ISSUING AND GUARANTEEING ASSOCIATIONS

114.11 Approval.—(a) *Document to be furnished.* Before an association may be approved to serve as issuing association or guaranteeing association in the United States with respect to carnets authorized under a Customs Convention to which the United States has acceded, such association shall furnish the Commissioner a written undertaking, in a form satisfactory to the Commissioner, to perform the functions and fulfill the obligations specified in the Convention under which carnets are to be issued or guaranteed.

(b) *Publication of notice of approval.* Notice of the approval of an issuing association or a guaranteeing association with respect to a Customs Convention to which the United States has acceded will be published in the Federal Register by the Commissioner.

114.12 Termination of approval.—(a) *For cause.* The Commissioner may suspend or revoke the approval previously given to any issuing association or guaranteeing association for failure or refusal to comply with the duties, obligations, or requirements set forth in its written undertaking on which the approval was based; in the applicable Customs Convention; or in the Customs Regulations. Before such suspension or revocation, the Commissioner shall give the association a reasonable opportunity to refute the alleged failure of compliance.

(b) *Withdrawal.* To be relieved by future obligations, an approved guaranteeing association must notify the Commissioner, in writing, not less than 6 months in advance of a specified termination date that it will not guarantee the payment of obligations under carnets accepted by district directors of Customs after the specified date. The receipt of such notice by the Commissioner will in no way affect the responsibility of the guaranteeing association for payment of claims on carnets accepted by district directors before the designated termination date.

(c) *Notice.* Notice of the suspension or revocation of the approval of an issuing association or a guaranteeing association with respect to a Customs Convention to which the United States has acceded will be published in the Federal Register by the Commissioner.

SUBPART C—PROCESSING OF CARNETS

114.21 Acceptance.—A carnet executed in accordance with section 114.3 shall be accepted provided that when the carnet is presented an association for the guaranteeing of such carnets has been approved in accordance with section 114.11 and such approval has not been terminated as provided for in section 114.12.

114.22 Coverage of carnets.—(a) *A.T.A. carnet.* The A.T.A. carnet is acceptable for goods to be temporarily entered under:

(1) The Customs Convention on the Temporary Importation of Professional Equipment, or

(2) The International Convention to Facilitate the Importation of Commercial Samples and Advertising Material.

(b) *E.C.S. carnet.* The E.C.S. carnet is acceptable for:

(1) commercial samples, or

(2) motion-picture advertising films not exceeding 16 mm. consisting essentially of photographs (with or without sound track) showing the nature or operation of products or equipment whose qualities cannot be adequately demonstrated by samples or catalogues, provided that the films:

(i) relate to products or equipment offered for sale or for hire by a person established in the territory of another contracting party;

(ii) are of a kind suitable for exhibition to prospective customers but not for general exhibition to the public; and

(iii) are imported in a packet which contains not more than one copy of each film and which does not form part of a larger consignment of films.

There shall be presented with each E.C.S. carnet covering motion-picture advertising films a statement showing how each of the foregoing requirements is met.

114.23 Maximum period.—No A.T.A. or E.C.S. carnet with a period of validity exceeding 1 year from date of issue shall be accepted.

114.24 Additions.—When an A.T.A. or E.C.S. carnet has been issued, no extra item shall be added to the list of goods enumerated on the reverse of the cover of the carnet or on any continuation sheet annexed thereto.

114.25 Replacement of carnets.—In the case of destruction, loss, or theft of an A.T.A. or E.C.S. carnet while the goods which it covers are in the Customs territory of the United States, the district director of Customs at the port where such goods were imported may, upon

request of the association which issued the carnet abroad, accept a replacement document, the validity of which expires on the same date as that of the carnet which it replaces, provided the district director determines that the description of merchandise in the replacement document fully corresponds to the description set forth in the importation voucher from the carnet to be replaced.

114.26 Discharge of carnets.—When a district director of Customs has unconditionally discharged a carnet by completion of the appropriate certificate, no claim may be brought against the guaranteeing association for payment under the carnet, unless it can be established that the discharge was obtained improperly or fraudulently, or that there had been a breach of the conditions of temporary importation.

SUBPART D—MISCELLANEOUS

114.31 Mail importations.—Carnets shall not be accepted for importations by mail.

114.32 Samples for taking orders.—E.C.S. carnets may be accepted for unaccompanied samples and samples imported by a natural person resident in the Customs territory of the United States, as well as for samples imported by a natural person resident in the territory of another contracting party to the E.C.S. Convention.

114.33 Action against carnet user.—In the event of fraud, violation, or abuse of the privileges of a Convention, action may be taken against the users of carnets for applicable duties and charges or liquidated damages, as the case may be. Penalties to which such persons have thereby rendered themselves liable may also be imposed.

PART 146—FOREIGN-TRADE ZONES

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- 146.2 Designation of District Director as Board Representative.
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- 146.21 Privileged foreign merchandise.
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- 146.31 Customs control of merchandise in a zone.
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SUBPART E—REMOVAL OF MERCHANDISE FROM A ZONE

- 146.41 Direct exportation from a zone.
- 146.42 Supplies, equipment, and repair material for vessels or aircraft.
- 146.43 Transfer of merchandise from one zone to another.
- 146.44 Transfer of privileged domestic merchandise into Customs territory.
- 146.45 Transfer of privileged foreign merchandise into Customs territory.
- 146.46 Transfer of products of manipulation or manufacture of privileged merchandise into Customs territory.
- 146.47 Transfer of zone-restricted merchandise into Customs territory.
- 146.48 Treatment of merchandise not elsewhere provided for in this subpart.

Authority: The provisions of this Part 146 issued under R.S. 251, secs. 1-21, 48 Stat. 998, 999, as amended, 1000, 1002, as amended, 1003, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 81a-81u, 1202 (Gen. Hdnote 11), 1624.

146.0 Scope.—Foreign-trade zones are established under the Foreign-Trade Zones Act and the general regulations and rules of procedure of the Foreign-Trade Zones Board contained in 15 CFR Part 400. This part 146 of the Customs Regulations governs the admission of merchandise into a foreign-trade zone, manipulation, manufacture, or exhibition in a zone; exportation of merchandise from a zone; and transfer of merchandise from a zone into Customs territory.

SUBPART A—GENERAL PROVISIONS

146.1 Definitions.—The following are general definitions for the purposes of this part:

(a) *Act.* "Act" means the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998-1003; 19 U.S.C. 81a-81u).

(b) *Board.* "Board" is the Foreign-Trade Zones Board established by the Foreign-Trade Zones Act to carry out the provisions of the Act.

(c) *Customs territory.* "Customs territory" is the territory of the United States in which the general tariff laws of the United States apply but which is not included in any zone. "Customs territory of

the United States" includes only the States, the District of Columbia, and Puerto Rico. (Gen. Hdnote 2, Tariff Schedules of the United States.)

(d) *Grantee*. "Grantee" is a corporation to which the privilege of establishing, operating, and maintaining a foreign-trade zone has been granted by the Foreign-Trade Zones Board.

(e) *Merchandise*. "Merchandise" includes goods, wares, and chattels of every description, except prohibited articles.

(1) *Domestic merchandise*. "Domestic merchandise" is that which has been (i) produced in the United States and not exported therefrom, or (ii) previously imported into Customs territory and properly released from Customs custody.

(2) *Foreign merchandise*. "Foreign merchandise" is imported merchandise which has not been properly released from Customs custody in Customs territory.

(f) *Zone*. "Zone" is a foreign-trade zone established under the Foreign-Trade Zones Act.

146.2 Designation of District Director as Board Representative.—The district director in whose district the zone is located shall be in local charge of the zone as the resident representative of the Board.

146.3 Assignment of Customs Officers.—The district director in whose district the zone is located shall assign the necessary Customs officers and guards to maintain appropriate Customs control over merchandise in the zone and to protect the revenue.

146.4 Reimbursement of Customs expenses.—The cost of providing the additional Customs services required under the Act or the regulations in this part shall be reimbursed to the Government by the grantee, payment to be made monthly to the district director.

146.5 Permission of grantee required.—(a) *Written concurrence necessary*. Applications for permission to transfer merchandise into a zone, to do anything involving merchandise in a zone, or to remove merchandise from a zone shall show the written concurrence of the grantee, except where the regulations in this part provide for the making of applications by the grantee itself or permit the grantee to file a separate specific or blanket approval.

(b) *Questioning grantee's concurrence*. Government officers acting in their official capacities may question the grantee's concurrence if in their opinion it was improperly given.

146.6 Authority to examine merchandise.—The district director may cause any merchandise in a zone to be examined at the time of admission, or at any time thereafter, if the examination is deemed

necessary to facilitate the proper administration of any law, regulation, or instruction which the Customs Service is authorized to enforce.

146.7 Transportation of merchandise to a zone.—(a) *From outside Customs territory.* Merchandise may be brought directly to a zone from any place outside Customs territory.

(b) *Through Customs territory; foreign merchandise.* Foreign merchandise destined to a zone and transported in bond through Customs territory shall be subject to the laws and regulations applicable to other merchandise transported in bond between two places in Customs territory.

(c) *From Customs territory; domestic merchandise.* Domestic merchandise may be brought to a zone from Customs territory by any means of transportation which will not interfere with the orderly conduct of business in the zone.

146.8 Use of zone by carriers.—(a) *Primary use; lading and unloading.* The water area, docking facilities, and any loading and unloading stations of a zone are intended primarily for the unloading of merchandise into the zone or the lading of merchandise for removal from the zone. Their use for other purposes may be terminated by the Secretary of the Treasury if found to endanger the revenue or by the Board if found to impede the primary uses of the zone.

(b) *Carriers in zone not exempt from law or regulation.* Nothing in the Act or the regulations in this part shall be construed as excepting any carrier entering, remaining in, or leaving a zone from the application of any other pertinent law or regulation.

SUBPART B—ADMISSION OF MERCHANDISE TO A ZONE

146.11 Merchandise permitted in a zone.—Merchandise of every description, including over-quota merchandise, may be brought into a zone unless prohibited by law. A distinction is made between prohibited and conditionally admissible merchandise.

(a) *Prohibited merchandise.* Prohibited merchandise is merchandise which is prohibited by law on the grounds of policy or morals, such as books or pictures urging treason or insurrection against the United States, obscene books or pictures and lottery matter. District directors are required to exclude this class of articles and shall not permit them to be transferred to a zone if aware of their prohibited status. If there is a question as to whether the merchandise is prohibited, district directors may permit the temporary deposit of the merchandise in a zone pending a final determination of its status. Any prohibited merchandise which is found within a zone shall be disposed

of in the manner provided for in the laws and regulations applicable to such merchandise.

(b) *Conditionally admissible merchandise.* Conditionally admissible merchandise is merchandise which may be imported under certain conditions, for example, articles which are subject to permits or licenses or which may be reconditioned to bring them into compliance with the laws administered by various Federal agencies. The admission of articles of this class into a zone is subject to any requirements of the Federal agency concerned.

146.12 Application and permit for admission of merchandise.—

(a) *Application on zone Form D and permit.* Except in the case of entered merchandise brought into a zone for manipulation (section 146.13) and merchandise transiting a zone (section 146.14), merchandise may be admitted into a zone only upon application on zone Form D, Application to Admit Merchandise into Foreign-Trade Zone, and the issuance of a permit by the district director.

(b) *Documents in support of application.*

(1) *Merchandise transported through Customs territory.* For foreign merchandise arriving at a zone after transportation through Customs territory the application shall be supported by:

(i) *Release order.* A release order on the application or another document executed by the carrier which brought the goods to the port where the zone is located authorizing the transfer of the merchandise to the zone; and

(ii) *Evidence of right to make entry.* A document or documents like those which would be required of the applicant as evidence of his right to make entry for merchandise in Customs territory (see section 8.6 of this chapter).

(2) *Merchandise unladen directly from the importing carrier.* For merchandise unladen in the zone directly from the importing carrier the application on zone Form D shall be supported by an application to unlade on Customs Form 3171 (section 146.14(a)).

(c) *Conditions for issuance of a permit.* Merchandise for which an application to admit merchandise to a zone is made shall be admitted when:

(1) The application is properly executed and includes an indication of the desired zone status of the merchandise (i.e., privileged foreign, privileged domestic, nonprivileged foreign, nonprivileged domestic, or zone-restricted merchandise as provided for in subpart C of this part);

(2) The grantee's approval appears either on the application or in a separate specific or blanket approval (section 146.5); and

(3) The permit is granted by the district director as the representative of the Board.

146.13 Temporary admission for manipulation.—Imported merchandise for which an entry has been made and which has remained in continuous Customs custody may be admitted temporarily to a zone for manipulation and return to Customs territory under Customs supervision pursuant to section 562, Tariff Act of 1930, as amended (19 U.S.C. 1562) and section 19.11 of this chapter. Such merchandise shall not be considered within the purview of the Act but shall be treated as though remaining in Customs territory. No zone form or procedure shall be considered applicable, but the merchandise shall remain subject in the zone to such requirements as are necessary for the enforcement of section 562 and other pertinent Customs laws.

146.14 Merchandise transiting a zone.—The following procedures are applicable when merchandise is to be unladen from any carrier in the zone for immediate transfer to Customs territory, or if it is to be transferred from Customs territory through the zone for immediate lading on any carrier in the zone:

(a) *Application.* Application for permission to lade or unlade shall be filed with the district director on Customs Form 3171 prior to transfer of the merchandise into the zone.

(b) *Permit.* The district director shall permit the transfer unless he has reason to believe that the merchandise will not be moved promptly from the zone or made the subject of an application for zone status on zone Form D in accordance with section 146.12.

(c) *Treatment of merchandise.* Upon the issuance of a permit to lade or unlade, the merchandise shall not be considered within the purview of the Act but shall be treated as though the lading or unlading were in Customs territory.

(d) *Failure to lade merchandise without delay.* Merchandise brought into a zone for lading on a carrier but not laden without a delay which will endanger the revenue must be made the subject of an application for zone status on zone Form D in accordance with section 146.12 or be removed from the zone.

146.15 Certificate of arrival of merchandise.—Whenever a certificate as to the arrival of any merchandise in a zone is required by a Federal agency, the district director shall issue the certificate, properly describing and identifying the merchandise involved.

SUBPART C—STATUS OF MERCHANDISE IN A ZONE

146.21 Privileged foreign merchandise.—(a) *Merchandise subject to the provisions of this section.* Foreign merchandise which has not been manipulated or manufactured so as to effect a change in tariff classification shall be given status as privileged foreign merchandise on proper application to the district director.

(b) *Application.* Each application for this status shall be made on zone Form B at the time of filing the application on zone Form D (see section 146.12) for admission of the merchandise into a zone or at any time thereafter before the merchandise has been manipulated or manufactured in the zone in a manner which has effected a change in tariff classification.

(c) *Zone Customs entry.* Each applicant for such status shall file a zone Customs entry on Customs Form 7502 with his application.

(1) *Evidence of right to make entry.* The original of a properly approved application on zone Form B is acceptable as the equivalent of a bill of lading or carrier's certificate to identify the applicant on such Form B as the consignee of the merchandise and its owner for Customs purposes, except that such person may transfer the right to withdraw such merchandise from the zone to Customs territory in accordance with Subpart E of this part.

(2) *Preparation, filing, and processing of the entry.* The procedure in connection with the preparation, filing, and processing of the entry, including the making of notations on invoices, the preparation of Customs Form 6417, the designation of examination packages or quantities, and the examination and appraisalment of the merchandise shall be the same as that prescribed in the case of an entry for warehouse made in Customs territory (see Part 8 of this chapter), except that no bond shall be required.

(3) *Procedure upon acceptance of the entry.* Upon acceptance of the entry the district director shall have the merchandise appraised, classified, taxes determined, and duties liquidated promptly.

(i) *Appraisalment and tariff classification.* The merchandise shall be subject to appraisalment and tariff classification according to its condition and quantity, and to the rates of duty and tax in force, on the date of filing, in complete and proper form, the request for privileged foreign status on zone Form B and the zone Customs entry which is required to accompany it.

(ii) *Basis of valuation.* The value of the merchandise shall be determined in accordance with sections 402, 402a, and 503 of the Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402, 1503), and related provisions of law. For all Customs purposes, the date of exportation of the merchandise from the country whence it was exported

to the United States is the date of its final departure from that country, in accordance with section 14.3(b) of this chapter.

(iii) *Amendment of value.* The value declared in any zone Customs entry for merchandise may be amended in accordance with the provisions of section 487, Tariff Act of 1930 (19 U.S.C. 1487), and the regulations thereunder (see section 8.16 of this chapter).

(iv) *Merchandise subject to tariff-rate import quotas.* Entries for merchandise subject to tariff-rate import quotas shall be liquidated only at the higher or nonquota rate.

(v) *Determination of taxes.* The taxes to be determined are those of the same nature as are indicated in the liquidation of entries of imported merchandise in Customs territory.

(d) *Status as privileged foreign merchandise binding.* A status as privileged foreign merchandise and the consequent determination of taxes and liquidation of duties cannot be abandoned. The taxes and duties remain applicable to the merchandise even if changed in form by manipulation or manufacture, except in the case of recoverable waste (see section 146.48), as long as the merchandise remains within the purview of the Act. However, privileged foreign merchandise may be exported or withdrawn for supplies, equipment, or repair material of vessels or aircraft without the payment of the determined taxes and liquidated duties, in accordance with sections 146.41, 146.42, and 146.45(d).

(e) *Appeals and protests.* The requirements, privileges, and procedures of notices of appraisement, appeals to reappraisment, posting of liquidations, and protests against decisions of the district director are the same as those prescribed in the case of merchandise covered by an entry for warehouse in Customs territory.

(f) *Permission to manipulate, manufacture, or exhibit.* Application may be made pursuant to section 146.32 for permission to manipulate, manufacture, or exhibit the merchandise before taxes have been determined and duties liquidated thereon, but in such case the examination for purposes of appraisement must be completed, or the packages or samples required for such examination must be segregated, before the district director approves the application.

146.22 Privileged domestic merchandise.—(a) *Merchandise subject to the provisions of this section.* Privileged domestic status may be granted to merchandise:

- (1) The growth, product, or manufacture of the United States on which all internal-revenue taxes, if applicable, have been paid;
- (2) Previously imported and on which duty and/or tax has been paid; or
- (3) Previously admitted free of duty and tax.

(b) *Application.* Application for privileged domestic status shall be included in the application on zone Form D (section 146.12) to transfer the merchandise into the zone, but the documents in support of the application described in section 146.12(b) are not required.

(c) *Domestic packing and repair materials.* If the district director is satisfied that the revenue will be protected, and the rights of importers will not be prejudiced, he may permit the transfer to a zone of domestic packing and repair materials and related articles without requiring an application on zone Form D.

(d) *Return of merchandise to Customs territory.* Upon compliance with this section and section 146.44, any of the foregoing merchandise may subsequently be returned to Customs territory free of quotas, duty, or tax.

146.23 Nonprivileged foreign merchandise.—All of the following shall have the status of nonprivileged foreign merchandise:

(a) Foreign merchandise properly in a zone which does not have the status of privileged foreign merchandise or of zone-restricted merchandise;

(b) Waste recovered from any manipulation or manufacture of privileged foreign merchandise in a zone; and

(c) Domestic merchandise in a zone which by reason of noncompliance with these regulations has lost its identity as domestic merchandise and will be treated as foreign merchandise if transferred to Customs territory. Any domestic merchandise shall be deemed to have lost its identity if the district director determines that it cannot be identified positively by Customs officers as domestic merchandise on the basis of their examination of the articles and their consideration of any proof that may be submitted promptly by a party in interest.

146.24 Nonprivileged domestic merchandise.—All merchandise which could have obtained the status of privileged domestic merchandise but for which no application for such status has been approved (not including any merchandise within the purview of section 146.23(c)) shall have the status of nonprivileged domestic merchandise.

146.25 Zone-restricted merchandise.—(a) *Merchandise subject to the provisions of this section.* Articles taken into a zone from Customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or storage shall be given zone-restricted status on proper application. Such articles may not be returned to Customs territory for domestic consumption except where the Board deems such return to be in the public interest (see section 146.47).

(b) *Application.* Application for zone-restricted status shall be included in the application on zone Form D to transfer the merchandise into the zone as provided for in section 146.12.

(c) *Merchandise considered exported.*

(1) *For Customs purposes.* If the applicant desires a zone-restricted status in order that the merchandise may be considered exported for the purpose of any Customs law, all pertinent Customs requirements relating to actual exportations shall be complied with as though the admission of the merchandise into the zone constituted a lading on an exporting carrier at a port of final exit from the United States. Any declaration or form required for actual exportation shall be modified to show that the merchandise has been deposited in a zone in lieu of actual exportation, and a copy of the approved zone Form D may be accepted in lieu of any proof of shipment required in cases of actual exportation.

(2) *For other purposes.* If the merchandise is to be considered exported for the purpose of any Federal law other than the Customs laws, the district director shall be satisfied that all pertinent laws, regulations, and rules administered by the Federal agency concerned have been complied with before he approves the application on zone Form D.

(d) *Merchandise entered for warehousing transferred to a zone.* Merchandise entered for warehousing and transferred to a zone, other than temporarily for manipulation and return to Customs territory as provided for in section 146.13, shall have the status of zone-restricted merchandise when admitted into the zone. The application on zone Form D shall state that zone-restricted status is desired for the merchandise.

SUBPART D—HANDLING OF MERCHANDISE IN A ZONE

146.31 Customs control of merchandise in a zone.—(a) No merchandise shall be removed from a zone in any manner or for any purpose except as provided for in the regulations in this part.

(b) If the district director deems it necessary for the protection of the revenue, he may require segregation of any merchandise he determines to be subject to special risks to the revenue.

(c) The grantee shall keep the district director currently informed as to the location of any merchandise in the zone which is not within the purview of paragraph (b) of this section, and shall notify the district director promptly of any loss or damage that may occur to any merchandise in the zone.

146.32 Manipulation, manufacture, or exhibition in a zone.—

(a) *Application.* Permission for manipulation, manufacture, or

exhibition of merchandise in a zone may be obtained by filing with the district director an application on zone Form E. No such operation shall be carried on until the district director has approved the application. The application shall include:

- (1) A full description of the proposed operation;
- (2) A designation of the exact place in the zone where the operation is to be performed;
- (3) The identification of the involved merchandise by lot number, marks and numbers of the packages, description, quantity, and zone status; and
- (4) In the case of manipulation or manufacture, a statement as to whether articles with one zone status are to be packed, commingled, or combined with articles having a different zone status.

(b) *Approval of application.* The district director shall approve the application unless the proposed operation would be in violation of the fourth or fifth proviso to section 3 of the Foreign-Trade Zones Act, as amended, 19 U.S.C. 81c, or the place designated for its performance is not suitable for preventing confusion as to the identity or status of the merchandise and for safeguarding the revenue.

(1) *Fourth proviso*—The proviso reads as follows:

"That under the rules and regulations of the controlling Federal agencies, articles which have been taken into a zone from Customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or storage shall be considered to be exported for the purpose of—

(a) the draw-back, warehousing, and bonding, or any other provisions of the Tariff Act of 1930 as amended, and the regulations thereunder; and

(b) the statutes and bonds exacted for the payment of draw-back, refund, or exemption from liability for internal-revenue taxes and for the purposes of the internal-revenue laws generally and the regulations thereunder.

"Such a transfer may also be considered an exportation for the purposes of other Federal laws insofar as Federal agencies charged with the enforcement of those laws deem it advisable. Such articles may not be returned to Customs territory for domestic consumption except where the Foreign-Trade Zones Board deems such return to be in the public interest, in which event the articles shall be subject to the provisions of paragraph 1615(f) of section 1201 of this title: * * *"

(2) *Fifth proviso*—The proviso reads as follows:

"That no operation involving any foreign or domestic merchandise brought into a zone which operation would be subject to any provision or provisions of section 1807 of Title 26 and chapter 15-17, 21, 23-26 or 32 of Title 26, if performed in Customs territory, or involving the

manufacture of any article provided for in paragraphs 367 and 368 of section 1001 of this title, shall be permitted in a zone except those operations (other than rectification of distilled spirits and wines, or the manufacture or production of alcoholic products unfit for beverage purposes) which were permissible under this chapter prior to July 1, 1949: * * *."

(For current reference to title 19 and 26 of the United States Code, see notes following text of 19 U.S.C. 81c.)

(c) *Appeal of adverse ruling.* If the application is denied by the district director for any reason, the applicant or the grantee may appeal the adverse ruling to the Board. If any revenue protection considerations are involved in such an application, the Board shall be guided by the determinations of the Secretary of the Treasury with respect to them.

(d) *Records to be maintained.*

(1) *Privileged merchandise.* When any privileged merchandise is to be manipulated in any way or manufactured, the person performing the operation shall maintain records containing the following information:

(i) A full identification, as specified in paragraph (a) of this section, of each lot of privileged merchandise used in the operation;

(ii) The unit and total values of each such lot, the values in the case of privileged foreign merchandise to be those declared in the zone Customs entry (section 146.21 (c)), including any amendment thereof;

(iii) The commercial name or description of the product resulting from the operation, or of each such product if there are more than one;

(iv) The quantity of such product or of each such product, as the case may be;

(v) The commercial name or description and quantity of each kind of waste recovered from the operation; and

(vi) The description (i.e., evaporation, leakage, spillage, dust, etc.) and quantity of each kind of loss resulting from the operation.

(2) *Nonprivileged merchandise.* If any nonprivileged merchandise is to be used in the operation, records shall be maintained containing a full identification, as specified in paragraph (a) of this section, and the unit and total values of each lot of the merchandise used in the operation.

146.33 Destruction of merchandise in a zone.—(a) *Application.* Each application to destroy merchandise in a zone shall be filed with the district director on zone Form E. The application shall include:

(1) A description of the proposed method of destruction;

(2) A designation of the place where the destruction is to be accomplished; and

(3) The identification of the involved merchandise by lot number, marks and numbers of the packages, description, quantity, and zone status.

(b) *Approval of application and procedure for destruction of merchandise.* The destruction of distilled spirits, wines, and fermented malt liquors having a zone-restricted status may not be authorized in view of the exception in the fourth proviso to section 3 of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81c). In any other case, if the district director is satisfied that the destruction will be effective and that the revenue will be adequately protected, he shall approve the application. If proper destruction cannot be effectively accomplished within the zone, the district director may permit it to be done elsewhere, in whole or in part, under such conditions as he shall specify for protecting the revenue. Any residue of destruction which is entirely worthless may be removed to Customs territory for disposal.

SUBPART E—REMOVAL OF MERCHANDISE FROM A ZONE

146.41 Direct exportation from a zone.—Regardless of its zone status, any merchandise in a zone may be exported directly therefrom upon compliance with the procedure prescribed in section 146.44 for the transfer of privileged domestic merchandise to Customs territory.

146.42 Supplies, equipment, and repair material for vessels or aircraft.—(a) *Applicability.* Any article which may be withdrawn duty and tax free in Customs territory under section 309 or 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317) and sections 10.59 through 10.65 of this chapter may similarly be withdrawn from a zone, regardless of its zone status, under said statutes and regulations. Privileged domestic merchandise is not subject to the provisions of this section and may be withdrawn from a zone in accordance with the provisions of section 146.44.

(b) *Articles for delivery within zone where withdrawn.* The withdrawal of articles provided for in paragraph (a) of this section for delivery within the zone where withdrawn to a qualified vessel or aircraft, or as ground equipment of a qualified aircraft, shall be on Customs Form 7512 (see section 10.60 of this chapter).

(1) *Who may make the withdrawal.* The withdrawal of articles composed in whole or in part of privileged foreign merchandise shall be made by the person identified on zone Form B as the consignee (see section 146.21(c)(1)). The withdrawal of all other articles under

this section shall be made by the person designated as the consignee by the written authorization of the grantee.

(2) *Supporting documents.*

(i) *Description.* The withdrawal shall be supported by a description of the articles similar to that provided for in section 146.44(a).

(ii) *Bond.* A bond on Customs Form 7557, 7559, or 7595 shall be required with the withdrawal.

(3) *Release of articles.* Upon acceptance of the withdrawal, the district director shall release the merchandise to the grantee for delivery to the qualified vessel or aircraft in the zone.

(c) *Articles for delivery outside zone where withdrawn.* The withdrawal of articles provided for in paragraph (a) of this section for delivery at a place outside the zone to a qualified vessel or aircraft, or as ground equipment of a qualified aircraft, shall be on Customs Form 7512. (See section 10.60 of this chapter.)

(1) *Who may make the withdrawal.* The withdrawal of privileged foreign merchandise which has not been mixed, combined, or repacked in the zone or of a product of a manipulation or manufacture in a zone composed of or derived from privileged merchandise only, whether all foreign, or partly foreign and partly domestic, shall be made by the person named on zone Form B as the consignee or by a transferee designated on the withdrawal and approved by the grantee. (See section 146.45(b)(2).) The withdrawal of other articles under this section shall be made by the person designated by the grantee on zone Form C as the consignee. Except for articles described in the first sentence of this paragraph the provisions of sections 146.47(b) through (f) and section 146.48(b) relating to constructive transfer are applicable, whether or not the merchandise is zone restricted.

(2) *Bond.* The withdrawal shall be supported by a bond on Customs Form 7557, 7559, or 7595.

(3) *Acceptance of withdrawal and release of merchandise.* Upon acceptance of the withdrawal the district director shall note thereon the status of the merchandise and shall release the merchandise to the grantee for delivery to the bonded cartman, lighterman, or carrier.

146.43 Transfer of merchandise from one zone to another.—

(a) *Privileged domestic merchandise.* The transfer of privileged domestic merchandise from one zone to another is not subject to Customs control except that the removal of the merchandise from the first zone and its admission into the zone of destination shall be in accordance with sections 146.44 and 146.12.

(b) *Other merchandise.*

(1) *Procedure.* The transfer of merchandise, other than privileged

domestic merchandise, from a zone at one port of entry to a zone at another port shall be by bonded carrier under an entry for immediate transportation on Customs Form 7512. All copies of the entry for immediate transportation shall bear a notation that the merchandise is being taken from the first zone for the purpose of transfer to the second zone. Privileged foreign merchandise which has not been mixed, combined, or repacked in the zone and products of a manipulation or manufacture in a zone composed of or derived from privileged merchandise, whether all foreign, or partly foreign and partly domestic, shall be transferred from the zone in accordance with section 146.45 (c) (1)-(4) and admitted to the second zone in accordance with section 146.12. The transfer of other merchandise from the first zone into Customs territory and its admission into the zone of destination shall be in accordance with sections 146.48 (b) and 146.12.

(2) *Forwarding of history of the merchandise.* Upon removal of merchandise as specified in paragraph (b) (1) of this section from the first zone, the district director of the port where such zone is located shall immediately forward to the district director of the port where the zone of destination is located a history of the merchandise as shown by the records of the first zone.

146.44 Transfer of privileged domestic merchandise into Customs territory.—(a) *Submission of description of transaction.* When privileged domestic merchandise which has not been mixed, combined, or repacked in a zone with merchandise having a different zone status is to be transferred from the zone to Customs territory, the grantee shall submit to the district director, in triplicate, a description of the proposed transaction signed by him which shall include:

- (1) the proposed date of transfer;
- (2) the identification of the carrier;
- (3) the destination of the shipment;
- (4) identification of the merchandise by zone storage location, lot number, marks and numbers of packages, description, quantity, and zone status; and
- (5) a notation as to any shortage or damage. If a form of tally prepared by the grantee for its own purposes contains the necessary information, it may be accepted in lieu of the required description.

(b) *Permit of delivery.* If the transfer is approved by the district director, the original of the description shall be so stamped to serve as a permit of delivery. The original and one copy shall be returned to the grantee. No document other than the permit of delivery shall be required to release the merchandise to the grantee and authorize its transfer into Customs territory.

146.45 Transfer of privileged foreign merchandise into Customs territory.—(a) *Merchandise subject to the provisions of this section.* The provisions of this section are applicable to privileged foreign merchandise which has not been mixed, combined, or repacked in a zone.

(b) *Withdrawal for consumption at port where zone is located.*

(1) *Application for transfer.* When merchandise subject to the provisions of this section is to be transferred to Customs territory for consumption, a zone withdrawal shall be made on Customs Form 7505 as an application for the transfer.

(2) *Who may make the withdrawal.* The withdrawal shall be made by the person identified on zone Form B as the consignee (see section 146.21(c)(1)) or by a transferee designated by an endorsement on Customs Form 7505 and approved by the grantee.

(3) *Bond.* The zone withdrawal shall be supported by a bond on Customs Form 7551, 7553, or other appropriate form. A bond shall not be required when all the merchandise to be transferred to Customs territory has been inspected, examined, and appraised, has been found to comply with all laws and regulations governing its admission into the commerce of the United States, and there have been produced all documents for the production of which a bond is required by law or regulations if not filed at the time of entry.

(4) *Payment of duties and taxes.* The applicant shall pay the liquidated duties and determined taxes, as assessed in the liquidation of the zone Customs entry (section 146.21(c)), on the quantity of merchandise to be transferred. If the pertinent zone Customs entry has not been liquidated, estimated duties and taxes shall be deposited.

(5) *Release of merchandise.* Upon acceptance of the withdrawal, the district director shall release the merchandise to the grantee for delivery.

(c) *Withdrawal for transportation to another port for withdrawal for consumption.*

(1) *Application for transfer.* When merchandise subject to the provisions of this section is to be transferred to Customs territory for transportation to another port for withdrawal for consumption, a zone withdrawal for transportation clearly indicating the status of the merchandise shall be made on Customs Form 7512 as an application for the transfer.

(2) *Who may make the withdrawal for transportation.* The withdrawal shall be made by the person identified on zone Form B as the consignee (see section 146.21(c)(1)) or by a transferee designated by an endorsement on Customs Form 7512 and approved by the grantee.

(3) *Certification by district director at zone port.* The district director at the zone port shall issue a certificate, in triplicate, describ-

ing the merchandise in its present condition and certifying the amount of duties and taxes applicable to the shipment. The duplicate copy of such certificate shall be given to the withdrawer.

(4) *Release of merchandise for transportation.* Upon acceptance of the withdrawal, the district director shall release the merchandise to the grantee for delivery to the bonded carrier.

(5) *Withdrawal for consumption at port of destination.* A withdrawal for consumption shall be made at the port of destination on Customs Form 7519 by the person identified on zone Form B as the consignee (see section 146.21(c)(1)) or by a transferee designated on the withdrawal and approved by the grantee. The withdrawal for consumption shall be supported by the duplicate copy of the certificate described in paragraph (c)(3) of this section and also by a bond on Customs Form 7551, 7553, or other appropriate form, when required, pursuant to paragraph (b)(3) of this section.

(6) *Payment of duties and taxes.* The applicant shall pay the liquidated duties and determined taxes, as assessed in the liquidation of the zone Customs entry (section 146.21(c)), on the quantity of merchandise being withdrawn. If the zone Customs entry has not been liquidated, estimated duties and taxes shall be deposited.

(d) *Withdrawal for transfer into Customs territory for exportation.* When merchandise subject to the provisions of this section is to be transferred to Customs territory for exportation, a withdrawal for exportation, or for transportation and exportation, shall be made on Customs Form 7512 by the person identified on zone Form B as the consignee (see section 146.21(c)(1)) or by a transferee designated by an endorsement on Customs Form 7512 and approved by the grantee. Upon acceptance of the withdrawal the district director shall note the status of the merchandise on the document, and release the merchandise to the grantee for delivery to the carrier.

146.46 Transfer of products of manipulation or manufacture of privileged merchandise into Customs territory.—(a) *Merchandise subject to the provisions of this section.* The provisions of this section are applicable to products of manipulation or manufacture in a zone composed of or derived from privileged merchandise only, whether all foreign, or partly foreign and partly domestic.

(b) *Withdrawal for consumption at port where zone is located.* When products subject to the provisions of this section are to be transferred to Customs territory for consumption, a zone withdrawal shall be made on Customs Form 7505 as an application for the transfer, and the requirements of this paragraph and of section 146.45(b) shall be applicable.

(1) *Documents required in support of the withdrawal.*

(i) *Statement.* A statement in the form of an invoice containing the information required by section 146.32(d)(1) shall be filed with the withdrawal.

(ii) *Certificate of identification.* When necessary to support the withdrawal, application may be made to the district director for a certificate on zone Form F covering identification, as shown by Customs records, of the privileged merchandise used in the manipulation or manufacture.

(2) *Conditions for acceptance of withdrawal.* The district director shall not accept zone withdrawals for products of manipulation or manufacture of privileged foreign merchandise until he has definitely established that the merchandise actually exists in the zone in its final form as described in the withdrawal and that all other documents required to be submitted with the withdrawal have been received.

(c) *Withdrawal for transportation to another port for withdrawal for consumption.* When products subject to the provisions of this section are to be transferred to Customs territory for transportation to another port for withdrawal for consumption, a zone withdrawal for transportation clearly indicating the status of the merchandise shall be made on Customs Form 7512 as an application for the transfer. The provisions of paragraph (b)(1) and (2) of this section and the procedure prescribed in section 146.45(c)(2) through (6) shall be applicable.

(d) *Withdrawal for transfer into Customs territory for exportation.* When products subject to the provisions of this section are to be transferred to Customs territory for exportation, the procedure prescribed in section 146.45(d) shall be applicable.

(e) *Articles produced or manufactured in a zone returned to Customs territory after exportation.* Articles produced or manufactured in a zone and exported without having been transferred to Customs territory other than for exportation or for transportation and exportation shall, on their return to Customs territory, be subject to the duties and taxes applicable to like articles of wholly foreign origin, unless it is conclusively established that they were produced or manufactured exclusively with the use of privileged domestic merchandise, the identity of which was maintained in accordance with the pertinent provisions of these foreign-trade zone regulations, in which case they shall be subject to the pertinent provisions of schedule 8, part 1 of the Tariff Schedules of the United States.

146.47 Transfer of zone-restricted merchandise into Customs territory.—(a) *Types of entry.* Zone-restricted merchandise may be returned to Customs territory only for entry for exportation, for

entry for transportation and exportation, for destruction (except destruction of distilled spirits, wines and fermented malt liquors), for transfer from one zone to another, or for delivery to a qualified vessel or aircraft or as ground equipment of a qualified aircraft under section 309 or 317 of the Tariff Act of 1930, as amended, unless the Board has ruled that the return of the merchandise to Customs territory for domestic consumption is in the public interest. If the return of zone-restricted merchandise to Customs territory for domestic consumption has been ruled by the Board to be in the public interest, it may be entered for consumption, for warehousing, or for immediate transportation without appraisement, unless the Board has specified which of these forms of entry shall be made.

(b) *Application for constructive transfer to Customs territory.* When zone-restricted merchandise is to be transferred to Customs territory, the grantee shall file an application with the district director on zone Form C naming the person who will be deemed the consignee of the merchandise with the right to make entry or withdrawal therefor upon its transfer to Customs territory. The application shall include a complete identification of the merchandise as it entered the zone, including lot numbers, marks and numbers of the packages, status of each lot, description, and quantities. If any change in respect of any of these items of identification occurred while the merchandise was in the zone, the current information with respect to each such item shall also be stated. The district director shall not accept a term application on Form C.

(c) *Constructive transfer.* Upon the approval by the district director of an application on zone Form C, the merchandise shall be deemed to have been transferred to Customs territory but without physical removal from the zone. For all Customs purposes the merchandise shall be considered to have been imported into Customs territory at the time of this constructive transfer. The district director shall note on the application the date of constructive transfer and the zone status of the merchandise. The constructively transferred merchandise shall be marked or labeled with the initials "C.T."

(d) *Restoration to zone status.* The merchandise may be restored to zone status after it has been constructively transferred to Customs territory and before the expiration of the time within which entry or withdrawal must be made (see paragraph (e) (2) of this section), if:

- (1) A new zone Form D is filed and the same procedure followed as if the merchandise had then first arrived in the zone from or through Customs territory (see section 146.12). The zone grantee shall be deemed the carrier which brought the merchandise into the port; or
- (2) The applicant arranges for the redelivery to the district di-

rector, prior to the filing of a Customs entry or withdrawal, of the grantee's copy of the zone Form C with a request that it be canceled.

(e) *Customs entry or withdrawal and time limitation.*

(1) The original of zone Form C, when approved by the district director and endorsed by him with the date of constructive transfer and the zone status of the merchandise, shall be accepted as the equivalent of a bill of lading or carrier's certificate to identify the person named in such Form C as the consignee of the merchandise and its owner for Customs purposes with the right to make entry or withdrawal.

(2) A Customs entry or withdrawal shall be filed in proper form before 5 p.m. of the second working day after the date of constructive transfer of the merchandise. The time may be extended for such longer period as may be specified in a lay-order issued by the district director upon the filing of a written application on Customs Form 3189 by the grantee, or by the named consignee if approved by the grantee. If a Customs entry or withdrawal in proper form is not filed within the time limit, the merchandise shall be considered as having been returned from constructive Customs territory to the zone.

(3) If the return of zone-restricted merchandise to Customs territory for consumption has been ruled by the Board to be in the public interest, the entry shall be endorsed by the district director to show the authority under which it was made, and that the merchandise is subject to the provisions of schedule 8, part 1 of the Tariff Schedules of the United States. Upon acceptance of an entry or withdrawal for any other zone-restricted merchandise, the entry shall be endorsed by a Customs officer to show that actual exportation of the merchandise is required by the fourth proviso to section 3 of the Act, as amended, and the withdrawal endorsed to require delivery to a qualified vessel or aircraft or as ground equipment of a qualified aircraft under section 309 or 317 of the Tariff Act of 1930, as amended. (See section 146.42.)

(f) *Release of merchandise.* When a consumption entry is accepted for zone-restricted merchandise the district director shall release the merchandise to the grantee for delivery to the consignee. When any other entry or withdrawal is accepted for such merchandise, the release of the merchandise by the district director for physical removal to the designated destination in Customs territory or for direct exportation shall be in accordance with the Customs Regulations as to merchandise imported into Customs territory, the zone grantee to be considered as the importing carrier.

146.48 Treatment of merchandise not elsewhere provided for in this subpart.—(a) *Merchandise not elsewhere provided for in this*

subpart includes. Merchandise not elsewhere provided for in this subpart includes the following:

(1) Articles composed entirely of, or derived entirely from, non-privileged merchandise, foreign or domestic.

(2) Articles composed in part of, or derived in part from, non-privileged merchandise, domestic or foreign, and in part of or from privileged merchandise, domestic or foreign.

(3) Recoverable waste resulting from the manipulation or manufacture in a zone of privileged foreign merchandise.

(b) *Constructive transfer.* When articles subject to the provisions of this section are to be transferred from a zone to Customs territory, the procedure provided for in section 146.47(b) through (f) shall be followed, except that if the entry has not been filed in proper form before the expiration of the time allowed for entry in section 146.47(e) (2), the merchandise shall be deposited in general order storage in Customs territory.

(c) *Entry for consumption or warehousing.* Articles subject to the provisions of this section may be transferred from a zone for entry for consumption or, except in the case of articles composed of or derived in part from privileged foreign merchandise, for entry for warehousing subject to the treatment specified in paragraph (e) of this section.

(d) *Supporting statement and certificate.* There shall be filed with each entry for articles described in paragraph (a) (2) of this section a statement in the form of an invoice containing the information specified in section 146.32(d) (1). When necessary to support the entry, application may be made for a certificate on zone Form F covering identification as shown by the Customs records of any privileged domestic or privileged foreign merchandise in the articles.

(e) *Appraisalment and tariff classification.* Merchandise subject to the provisions of this section, upon transfer from a zone and entry for consumption or for warehousing, either immediately or after transportation in bond, shall be subject to appraisalment and tariff classification in accordance with its character and condition at the time of its constructive transfer to Customs territory and, except for any different rates applicable to any privileged foreign merchandise therein, to the rate or rates of duty and tax in force at the time entry for consumption or withdrawal from warehouse for consumption is made (see section 8.4(d) and (g) of this chapter). The value of such products shall be determined in accordance with sections 402, 402a, and 500 of the Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402, 1500), and the related provisions of law.

(f) *Liquidation.* The consumption or warehouse entry covering a product provided for in paragraph (a) of this section shall be liquidated in accordance with part 16 of this chapter, except that in the

case of articles described in paragraph (a) (2) adjustment shall be made for that part of the product which consists of or has been derived from privileged merchandise.

PART 147—TRADE FAIRS

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147.46 Voluntary abandonment or destruction.

147.47 Mandatory abandonment.

Authority: The provisions of this Part 147 issued under R.S. 251, secs. 623, 624, 46 Stat. 759, as amended, secs. 2-7, 73 Stat. 18, 19; 19 U.S.C. 66, 1623, 1624, 1751-1756.

147.0 Scope.—This part governs the entry of merchandise intended for exhibition or for use in constructing, installing or maintaining foreign exhibits at trade fairs which have been so designated by the Secretary of Commerce. It also contains provisions concerning Customs supervision of the merchandise, and the disposition of the merchandise after the fair has closed. The entry of articles which may

be admitted free of duty under other provisions of this chapter may be governed by those provisions rather than the regulations in this part.

SUBPART A—GENERAL PROVISIONS

147.1 Definitions.—The following are general definitions for the purposes of Part 147:

(a) *The Act.* "The Act" means the Trade Fair Act of 1959. (Sec. 2-7, 73 Stat. 18, 19; 19 U.S.C. 1751-1756.)

(b) *Fair.* "Fair" means a fair, exhibition, or exposition designated by the Secretary of Commerce pursuant to the Trade Fair Act. (For regulations governing designation as a trade fair, see 15 CFR Part 364.)

(c) *Fair operator.* "Fair operator" means the party named by the Secretary of Commerce as the operator of the fair.

(d) *Port.* "Port" means the port at which the fair is to be held, or if the fair is not to be held within the limits of a port, the port nearest to the location of the fair which is in the same Customs district as the fair.

(e) *Closing date.* "Closing date" means the date designated by the Secretary of Commerce as the date when the fair will close, including any extension granted by the Secretary of Commerce, or, if the fair closes earlier, the date on which the fair actually closes.

(f) *Articles for a fair.* "Articles for a fair" includes, but is not limited to:

- (1) Actual exhibit items;
- (2) Pamphlets, brochures, and explanatory material in reasonable quantities relating to foreign exhibits at a fair;
- (3) Material for use in constructing, installing, or maintaining foreign exhibits at a fair.

147.2 Articles which may be entered for a fair.—(a) *General.* Any article imported or brought into the United States may be entered under bond under the regulations of this part for the purpose of exhibition at a fair, or for use in constructing, installing, or maintaining foreign exhibits at a fair, if no duty or internal revenue tax has been paid, and the article is:

- (1) In a foreign-trade zone; or
- (2) Covered by a Customs exhibition bond provided for in Schedule 8, Part 5B, Tariff Schedules of the United States; or
- (3) In continuous Customs custody, including but not limited to articles:

(i) Imported or brought into the United States for the purpose of direct entry at a particular fair;

- (ii) In Customs bonded warehouses;
- (iii) Unentered under the Customs laws and held in general order pending entry or exportation;
- (iv) On exhibition at another fair designated by the Secretary of Commerce.

(b) *Exception.* Articles which have been entered under Schedule 8, Part 5C, Tariff Schedules of the United States, may not be entered under the regulations of this part.

147.3 Bond required.—The fair operator shall furnish for the approval of the district director a bond in an amount to be determined by the district director. No other bond shall be required at the time of making entry for a fair. The bond shall be in the following form:

TRADE FAIR BOND

KNOW ALL MEN BY THESE PRESENTS, That _____

of _____, as principal,
 and _____,
 of _____,
 and _____,
 of _____, as sureties, are held and firmly
 bound unto the United States of America in the sum of _____
 dollars (\$ _____),
 for the payment of which we bind ourselves, our heirs, executors,
 administrators, successors, and assigns, jointly and severally, firmly
 by these presents.

WITNESS our hands and seals this _____ day of _____, 19____.

WHEREAS, pursuant to the provisions of the Trade Fair Act of 1959, 73 Stat. 18; 19 U.S.C. 1751-1756, the Secretary of Commerce has approved an application by the principal hereon for the operation of a fair to be known as _____

(Insert exact name of fair)

at _____; and

(City and State)

WHEREAS, pursuant to the foregoing Act, imported articles may be imported or brought into the United States without the payment of duties, taxes, fees, charges, or exactions, for purposes of exhibition at the designated fair, or for use in constructing, installing, or maintaining foreign exhibits at such fair, under such regulations as the Secretary of the Treasury shall prescribe;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That—

(1) If the above-bounden principal shall comply in all respects with the provisions of the foregoing Act and the regulations issued by the Secretary relating to the exhibition or use of any article imported or brought into the United States for the designated fair; and shall receive for exhibition or use at such fair only such articles as may be permitted by law and regulations to be deposited therein; and shall safely keep or use the same therein all in accordance with the purposes authorized by law, and shall not remove, nor suffer to be removed, any article from the fair premises without lawful permit and without the presence of the Customs officer in charge;

(2) And if the above-bounden principal shall pay to the district director of Customs, when demanded by him, all unpaid duties, taxes, fees, charges, or exactions found legally due in connection with all articles entered or brought into the United States for the fair under the provisions of the designated Act and charged against this bond; and if in respect of any of the articles released from Customs custody shall redeliver or cause to be redelivered to the order of the district director of Customs, upon proper demand made at any time, any and all articles found not to comply with the law and regulations governing their admission into the commerce of the United States, and shall, after proper notice, mark, label, clean, fumigate, destroy, export, and do any and all other things in relation to said articles that may be required to secure the protection of the revenue and compliance with the Trade Fair Act referred to in the recital clause of this obligation and with all applicable Customs and related laws; it being expressly understood and agreed that the liability under this bond shall extend to all cases where any of the articles entered for exhibition or use are lost or stolen, whether or not the said loss or theft shall result from the fault of said principal;

(3) And if the above-bounden principal shall pay on demand to the district director of Customs, the actual and necessary Customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of the imported articles, together with the compensation of the Customs officers and employees on duty at or assigned to the fair premises in connection with the accounting for, custody of, and supervision over, the articles entered pursuant to the designated Act, including overtime compensation of Customs officers and employees assigned to duty at night or on Sunday or a holiday;

(4) And if the above-bounden principal, when an article is entered from the Fair for exportation, shall cause the said article to be actually exported from the United States and not relanded therein, and if

proof of exportation from the United States be furnished to the said district director in the form and within the time required by law or regulations, or within any lawful extension of such time; or in lieu of exportation, if the said article shall be destroyed or abandoned within the period fixed by law, or, in default thereof, if the obligors shall pay to the district director the full amount of duties, taxes, fees, charges, and exactions which may be found legally due on the said articles;

(5) And if the said principal shall deliver to the district director of Customs all the documents and evidence as may be required in connection with the entry of the articles at the designated fair, and in the form and within the time required by law or regulations, or any lawful extensions thereof, and shall comply with all other requirements of law and regulations;

Then this obligation shall be void; otherwise to remain in full force and effect.

Signed, sealed, and delivered in the presence of—

_____	_____	_____
(Name)	(Address)	(SEAL)
_____	_____	_____
(Name)	(Address)	(Principal)
_____	_____	_____
(Name)	(Address)	(SEAL)
_____	_____	_____
(Name)	(Address)	(Surety)
_____	_____	_____
(Name)	(Address)	(SEAL)
_____	_____	_____
(Name)	(Address)	(Surety)

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, _____, certify that I am the _____
 _____ (*) of the corporation named as principal in the within bond; that _____, who signed the said bond on behalf of the principal, was then _____ of the said corporation; that I know his signature thereto is genuine; and that said bond was duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body.
 _____ (SEAL)

*(May be executed by the secretary, assistant secretary, or other corporate officer.)

SUBPART B—PROCEDURE FOR IMPORTATION

147.11 Entry.—(a) *Made in name of fair operator.* All entries of articles for a fair shall be made at the port in the name of the fair operator which shall be deemed for Customs purposes the sole consignee of the merchandise entered under the Act and responsible to the Government for all duties and charges due the United States on account of such entries.

(b) *Merchandise arriving at port other than port of the fair.* Articles to be entered under this subpart which arrive at ports other than the port of the fair shall be entered for immediate transportation without appraisement to the latter port in the manner prescribed in Part 18 of this chapter.

(c) *Form of entry.* Articles shall be entered upon arrival at the port of the fair on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION

Entry No. _____

Entry at the port of _____ of articles consigned or transferred to _____ under _____

(fair operator)
I.T. No. _____ ex S.S. _____ from _____
on the _____ day of _____ 19____, for
exhibition purposes under the Trade Fair Act of 1959.

Mark	Number	Package and contents	Quantity	Invoice value

By _____ (fair operator)

(d) *Supersedes previous entry.* When entry for a fair is made under this part, such entry shall supersede any previous entry.

147.12 Invoices.—Articles intended for a fair under the provisions of the Act and valued at over \$500 are subject to the special Customs invoice requirements if of a class for which such invoices are required under the Tariff Act of 1930, as amended, and the regulations in this chapter (See Part 8). The invoice shall be on Customs Form 5515 and shall contain the information prescribed under section 481 of the Tariff Act of 1930. In all other cases the ordinary invoicing requirements apply.

147.13 Transfer to fair building.—(a) *Immediate delivery.* The provisions governing immediate delivery in section 8.59 of this chapter are applicable to articles for a fair.

(b) *After entry.* Upon the entry being made, a permit may be issued by the district director for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in his discretion, to the public stores for examination and subsequent delivery to the buildings in which they are to be exhibited or used.

147.14 Articles not to be immediately entered and delivered to a fair.—(a) *Placed in bonded warehouses.* If for any reason articles imported for a fair are not to be entered and delivered to a fair upon their arrival, the fair operator should request the district director, in writing, to cause such articles to be placed in a bonded warehouse under a "general order permit" at the risk and expense of the fair operator. If no request is made and the articles remain unentered after 5 days from the date of arrival, they will be placed in general order.

(b) *Entry within one year.* At any time within one year from the date such articles are imported or brought in, they may be entered under this part for a fair or entered under the general tariff law, or for exportation.

(c) *Abandonment.* If not entered within such period, they will be regarded as abandoned to the Government.

147.15 Tentative Appraisal.—All articles entered for a fair shall be tentatively appraised prior to exhibition or use.

SUBPART C—REQUIREMENTS OF OTHER LAWS

147.21 Marking under the Tariff Act of 1930.—The marking requirements of the Tariff Act of 1930, as amended, and the regulations thereunder will not apply to articles for a fair, except when such articles are entered for consumption. When entered for consumption, such articles shall be released from Customs custody only upon a full compliance with these marking requirements.

147.22 Compliance with the internal revenue laws and Federal Alcohol Administration Act.—The packaging, marking, and labeling requirements of the internal-revenue laws, and of the Federal Alcohol Administration Act (27 U.S.C. 201 to 212), will not apply to articles entered under this part, but any article failing to comply with such requirements shall be conspicuously marked prior to exhibition "Not labeled or packaged as required by law—not for sale". When any such article is withdrawn for consumption, it shall be released from Customs custody only upon a full compliance with such packaging, marking and labeling requirements.

147.23 Compliance with Plant Quarantine Act and Federal Food, Drug, and Cosmetic Act.—(a) *Plant Quarantine Act.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (7 U.S.C. 151-164a, 167), shall not be permitted except under permits issued by the Plant Quarantine Division of the Agricultural Research Service, Department of Agriculture, and in accordance with the plant quarantine regulations.

(b) *Federal Food, Drug, and Cosmetic Act.* The entry of food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301 *et seq.*), and the regulations issued thereunder.

147.24 Merchandise subject to licensing.—Merchandise, the importation of which is subject to the licensing regulations of any agency of the United States Government, may be entered for a fair only upon the presentation of the required license, or a waiver of such license.

SUBPART D—CUSTOMS SUPERVISION

147.31 Articles to be kept separate.—Articles for exhibit at a fair shall be segregated from domestic articles and from imported articles entered under the provisions of the general Customs laws and released from Customs custody.

147.32 Detail of officers to protect the revenue.—The district director shall detail an officer to act as his representative at the fair and shall station inside the buildings as many additional Customs officers and employees as may be necessary to properly protect the revenue.

147.33 Reimbursement by fair operator.—All actual and necessary charges for labor, services, and other expenses in connection with the entry, examination, appraisement, custody, abandonment, destruction, or release of articles entered under the regulations of this part, together with the necessary charges for salaries of Customs officers and employees in connection with the accounting for, custody of, and supervision over, such articles, shall be reimbursed by the fair operator to the Government, payment to be made on demand to the district director for deposit to the appropriation from which paid.

SUBPART E—DISPOSITION OF ARTICLES ENTERED FOR FAIRS

147.41 Removal or disposition pursuant to regulation.—Articles for a fair entered under this part shall not be removed from the fair premises, or otherwise disposed of, except in accordance with this subpart.

147.42 Disposition generally.—(a) *Kinds of disposition.* Any article entered for a fair under this part may be entered for consumption, for warehouse, or under any other provision of the Customs laws, or for another fair, or may be transferred to other Customs custody status or to a foreign-trade zone, or abandoned to the Government, or destroyed under Customs supervision, or exported, at any time before, or within 3 months after, the closing date of the fair.

(b) *Appraisalment.* Upon entry under any provision of the Customs laws, or at the expiration of 3 months after the closing date of the fair in the case of articles not previously entered or transferred, articles entered for fairs shall be appraised. Such appraisalment shall be final in the absence of an appeal to reappraisalment, as provided in section 501 of the Tariff Act of 1930, as amended.

(c) *Period for performance of certain acts.* In the case of any article entered under a provision of the Customs laws, or for another fair, or transferred to other Customs custody status, or to a foreign-trade zone, the period prescribed for the performance of any act required by the provision governing the status under which the article is entered, or to which it is transferred, shall be computed from the date of such entry or transfer.

147.43 Entry under the Customs laws.—(a) *Payment of duties and taxes.* Any applicable duties and internal revenue taxes on any article entered under any provision of the Customs laws must be paid on such article in its condition and quantity, and at the rate in effect, at the time of such entry.

(b) *Person to make entry.* Entry of merchandise under the Customs laws from a fair may be made in the name of any person duly authorized in writing by the fair operator to make such entry.

147.44 Entry for another fair.—Articles entered for a fair which are to be entered for another fair under the provisions of this part shall be retained in continuous Customs custody.

147.45 Merchandise from a foreign-trade zone.—Articles entered for a fair from a foreign-trade zone status of "zone restricted merchandise" and afterwards entered for consumption from a fair are subject to the provisions of item 804.00, Tariff Schedules of the United States.

147.46 Voluntary abandonment or destruction.—At any time before or within 3 months after the closing date of the fair any article entered for a fair may be abandoned to the Government or destroyed under Customs supervision, upon compliance with section 15.4 of this chapter.

147.47 Mandatory abandonment.—Any article entered for a fair, and not disposed of under the provisions of this subpart prior to the expiration of 3 months after the close of the fair shall be regarded as abandoned to the Government, and subject to sale or destruction. Proceeds of sale shall be disposed of in the manner provided in sections 491, 492, and 493, Tariff Act of 1930, as amended, and the regulations thereunder. Any duties or internal revenue taxes on such article shall be computed on the basis of its condition and quantity at the time it becomes subject to sale.

PART 153—ANTIDUMPING

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SUBPART D—ACTION BY DISTRICT DIRECTOR OF CUSTOMS

- 153.48 Action by the District Director of Customs.
- 153.49 Certificate of importer.
- 153.50 Appraisement of merchandise covered by Form 4.
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- 153.52 Reimbursement of dumping duties.
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- 153.54 Type of bond required.
- 153.55 Conversion of currencies.
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SUBPART E—ANTIDUMPING APPEALS AND PROTESTS

- 153.64 Antidumping appeals and protests procedure.

Authority: The provisions of this Part 153 issued under sections 201-212, 407, 42 Stat. 11 *et seq.*, as amended, section 5, 72 Stat. 585, sections 406, 407, 42 Stat. 18; 5 U.S.C. 301, 19 U.S.C. 160-173. Other authorities are cited to text in parentheses.

153.1 Scope.—This part sets forth procedures and rules applicable to proceedings under the Antidumping Act, 1921, as amended, the assessment of the special dumping duty, appeals for reappraisement, applications for review of reappraisements, and protests relating to matters under the Antidumping Act, 1921, as amended.

SUBPART A—FAIR VALUE

153.2 Fair value; Definition.—For the purposes of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), the fair value of the imported merchandise shall be determined in accordance with sections 153.3 to 153.5 of this chapter.

153.3 Fair value based on price in country of exportation; The usual test.—(a) *General.* Merchandise imported into the United States will ordinarily be considered to have been sold, or to be likely to be sold, at less than fair value if the purchase price or exporter's sales price (as defined in sections 203 and 204, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162, 163)), as the case may be, is, or is likely to be, less than the price (as defined in section

205, after adjustment as provided for in section 202 of the Anti-dumping Act, 1921, as amended (19 U.S.C. 164, 161)), at which such or similar merchandise (as defined in section 212(3) of the Anti-dumping Act, 1921, as amended (19 U.S.C. 170a(3))) is sold for consumption in the country of exportation on or about the date of purchase or agreement to purchase of the merchandise imported into the United States if purchase price applies, or on or about the date of exportation thereof if exporter's sales price applies.

(b) *Restricted sales.* When home market sales form the appropriate basis of comparison, they will be used for this purpose whether or not they are restricted. If there should be restrictions which affect the value of the merchandise, appropriate adjustment of the home market price will be made.

153.4 Fair value based on sales for exportation to countries other than the United States.—(a) *General.* If it is demonstrated that during a representative period the quantity of such or similar merchandise sold for consumption in the country of exportation is so small, in relation to the quantity sold for exportation to countries other than the United States, as to be an inadequate basis for comparison, then merchandise imported into the United States will ordinarily be deemed to have been sold, or to be likely to be sold, at less than fair value if the purchase price or the exporter's sales price (as defined in sections 203 and 204, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162, 163)), as the case may be, is, or is likely to be, less than the price (as defined in section 205, after adjustment as provided for in section 202 of the Antidumping Act, 1921, as amended (19 U.S.C. 164, 161)), at which such or similar merchandise (as defined in section 212(3) of the Antidumping Act, 1921, as amended (19 U.S.C. 170(a)(3))) is sold for exportation to countries other than the United States on or about the date of purchase or of agreement to purchase the merchandise imported into the United States if purchase price applies, or on or about the date of exportation thereof if exporter's sales price applies.

(b) *Twenty-five percent rule.* Generally, the quantity of such or similar merchandise sold for consumption in the country of exportation will be considered to be an inadequate basis for comparison if it is less than 25 percent of the quantity sold other than for exportation to the United States.

(c) *Restricted sales.* When third country sales form the appropriate basis of comparison, they will be used for this purpose whether or not they are restricted. If there should be restrictions which affect the value of the merchandise, appropriate adjustment of the third country price will be made.

153.5 Fair value based on constructed value.—(a) *General.* If the information available is deemed by the Secretary insufficient or inadequate for a determination under sections 153.3 or 153.4 he will determine fair value on the basis of the constructed value as defined in section 206 of the Antidumping Act, 1921, as amended (19 U.S.C. 165).

(b) *Merchandise from controlled economy country.* Ordinarily, if the information available indicates that the economy of the country from which the merchandise is exported is controlled to an extent that sales or offers of sales of such or similar merchandise in that country or to countries other than the United States do not permit a determination of fair value under sections 153.3 or 153.4, the Secretary will determine fair value on the basis of the constructed value of the merchandise determined on the normal costs, expenses, and profits as reflected by the prices at which such or similar merchandise is sold by a non-state-controlled-economy country either (1) for consumption in its own market; or (2) to other countries, including the United States.

153.6 Calculation of fair value.—In calculating fair value under section 201(a), Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), the criteria in sections 153.7 through 153.16 shall apply.

153.7 Fair value; Differences in quantities.—(a) *General.* In comparing the purchase price or exporter's sales price, as the case may be, with such applicable criteria as sales or offers, on which a determination of fair value is to be based, reasonable allowances will be made for differences in quantities if it is established to the satisfaction of the Secretary that the amount of any price differential is wholly or partly due to such differences. In determining the question of allowances for differences in quantity, consideration will be given, among other things, to the practice of the industry in the country of exportation with respect to affording in the home market (or third country markets, where sales to third countries are the basis for comparison) discounts for quantity sales which are freely available to those who purchase in the ordinary course of trade.

(b) *Criteria for allowances.* Allowances for price discounts based on sales in large quantities ordinarily will not be made unless:

(1) *Six-month rule.* The exporter during the 6 months prior to the date when the question of dumping was raised or presented (or during such other period as investigation shows is more representative) had been granting quantity discounts of at least the same magnitude with respect to 20 percent or more of such or similar merchandise which he sold in the home market (or in third country markets when

sales to third countries are the basis for comparison) and that such discounts had been freely available to all purchasers, or

(2) *Cost justification.* The exporter can demonstrate that the discounts are warranted on the basis of savings specifically attributable to the quantities involved.

(c) *Price lists.* In determining whether a discount has been given, the presence or absence of a published price list reflecting such a discount is not controlling. In certain lines of trade, price lists are not commonly published and in others although commonly published they are not commonly adhered to.

153.8 Fair value; Circumstances of sale.—(a) *General.* In comparing the purchase price or exporter's sales price, as the case may be, with the sales, or other criteria applicable, on which a determination of fair value is to be based, reasonable allowances will be made for the bona fide differences in circumstances of sale if it is established to the satisfaction of the Secretary that the amount of any price differential is wholly or partly due to such differences. Differences in circumstances of sale for which such allowances will be made are limited, in general, to those circumstances which bear a reasonably direct relationship to the sales which are under consideration.

(b) *Examples.* Examples of differences in circumstances of sale for which reasonable allowances generally will be made are those involving differences in credit terms, guarantees, warranties, technical assistance, servicing, and assumption by a seller of a purchaser's advertising or other selling costs. Reasonable allowances will also generally be made for differences in commissions. Except in those instances where it is clearly established that the differences in circumstances of sale bear a reasonably direct relationship to the sales which are under consideration, allowances generally will not be made for differences in research and development costs, production costs, and advertising and other selling costs of a seller unless such costs are attributable to a later sale of merchandise by a purchaser; provided that reasonable allowances for selling expenses generally will be made in cases where a reasonable allowance is made for commissions in one of the markets under consideration and no commission is paid in the other market under consideration, the amount of such allowance being limited to the actual selling expense incurred in the one market or the total amount of the commission allowed in such other market, whichever is less.

(c) *Relation to market value.* In determining the amount of the reasonable allowances for any differences in circumstances of sale, the Secretary will be guided primarily by the effect of such differences upon the market value of the merchandise but, where appropriate,

may also consider the cost of such differences to the seller, as contributing to an estimate of market value.

153.9 Fair value; Similar merchandise.—In comparing the purchase price or exporter's sales price, as the case may be, with the selling price in the home market, or for exportation to countries other than the United States, in the case of similar merchandise described in subdivisions (C), (D), (E), or (F) of section 212(3), Antidumping Act, 1921, as amended (19 U.S.C. 170a(3)), due allowance shall be made for differences in the merchandise. In this regard the Secretary will be guided primarily by the effect of such differences upon the market value of the merchandise but, when appropriate, he may also consider differences in cost of manufacture if it is established to his satisfaction that the amount of any price differential is wholly or partly due to such differences.

153.10 Fair value; Offering price.—In the determination of fair value, offers will be considered in the absence of sales, but an offer made in circumstances in which acceptance is not reasonably to be expected will not be deemed to be an offer.

153.11 Fair value; Sales agency.—If such or similar merchandise is sold or, in the absence of sales, offered by sale through a sales agency or other organization related to the seller in any of the respects described in section 207 of the Antidumping Act, 1921 (19 U.S.C. 166), the price at which such or similar merchandise is sold or, in the absence of sales, offered for sale by such sales agency or other organization may be used in the determination of fair value.

153.12 Fair value; Fictitious sales.—In the determination of fair value, no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account.

153.13 Fair value; Sales at varying prices.—Where the prices in the sales which are being examined for a determination of fair value vary (after allowances provided for in sections 153.7, 153.8, and 153.9), determination of fair value will take into account the prices of a preponderance of the merchandise thus sold or weighted averages of the prices of the merchandise thus sold. Unless there is a clear preponderance of merchandise sold at the same price, weighted averages of the prices of the merchandise sold normally will be used.

153.14 Fair value; Quantities involved and differences in price.—Merchandise will not be deemed to have been sold at less than fair value unless the quantity involved in the sale or sales to the United States, or the difference between the purchase price or exporter's sales price, as the case may be, and the fair value, is more than insignificant.

153.15 Fair value; Revision of prices or other changed circumstances.—(a) *Discontinuance of investigation.* Whenever the Secretary of the Treasury is satisfied during the course of an anti-dumping investigation that either

(1) price revisions have been made which eliminate the likelihood of sales at less than fair value and that there is no likelihood of resumption of the prices which prevailed before such revision; or

(2) sales to the United States of the merchandise have terminated and will not be resumed; or whenever the Secretary concludes that there are other changed circumstances on the basis of which it may no longer be appropriate to continue an antidumping investigation, the Secretary may publish a notice to this effect in the Federal Register.

(b) *Notice.* The notice shall state the facts relied on by the Secretary in publishing the notice and that those facts are considered to be evidence that there are not and are not likely to be sales at less than fair value. The notice shall also state that unless persuasive evidence or argument to the contrary is presented within 30 days the Secretary will determine that there are not and are not likely to be sales at less than fair value. The acceptance of assurances to revise prices or the termination of sales at less than fair value will not prevent the Secretary from making a determination of sales at less than fair value in any case where he considers such action appropriate or if the exporters have requested such action.

153.16 Fair value; Shipments from intermediate country.—If the merchandise is not imported directly from the country of origin, but is shipped to the United States from another country, the price at which such or similar merchandise is sold in the country of origin will be used in the determination of fair value if the merchandise was merely transshipped through the country of shipment.

SUBPART B—AVAILABILITY OF INFORMATION

Note: For Bureau of Customs general provisions relating to availability of information see Part 103 of this chapter.

153.23 Availability of information in antidumping proceedings.—(a) *Information generally available.* In general, all information but not necessarily all documents, obtained by the Treasury Department, including the Bureau of Customs, in connection with any antidumping proceeding will be available for inspection or copying by any person. With respect to documents prepared by an officer or employee of the United States, factual material, as distinguished from recommendations and evaluations, contained in any such docu-

ment will be made available by summary or otherwise on the same basis as information contained in other documents. Attention is directed to section 24.12 of this chapter relating to fees charged for providing copies of documents.

(b) *Requests for confidential treatment of information.* Any person who submits information in connection with an antidumping proceeding may request that such information, or any specified part thereof, be held confidential. Information covered by such a request shall be set forth on separate pages from other information; and all such pages shall be clearly marked "Confidential Treatment Requested." The Commissioner of Customs or the Secretary of the Treasury or the delegate of either will determine, pursuant to paragraph (c) of this section, whether such information, or any part thereof, shall be treated as confidential. If it is so determined, the information covered by the determination will not be made available for inspection or copying by any person other than an officer or employee of the United States Government or a person who has been specifically authorized to receive it by the person requesting confidential treatment. If it is determined that information submitted with such a request, or any part thereof, should not be treated as confidential, or that summarized or approximated presentations thereof should be made available for disclosure, the person who has requested confidential treatment thereof shall be promptly so advised and, unless he thereafter agrees that the information, or any specified part or summary or approximated presentations thereof, may be disclosed to all interested parties, the information will not be made available for disclosure but to the extent that it is self-serving it will be disregarded for the purpose of the determination as to sales at less than fair value and no reliance shall be placed thereon in this connection, unless it can be demonstrated from other sources that the information is correct.

(c) *Standards for determining whether information will be regarded as confidential.*

(1) *General.* Information will ordinarily be considered to be confidential only if its disclosure would be of significant competitive advantage to a competitor or would have a significantly adverse effect upon a person supplying the information or upon a person from whom he acquired the information. Further, if disclosure of information in specific terms or with identifying details would be inappropriate under this standard, the information will ordinarily be considered appropriate for disclosure in generalized, summary or approximated form, without identifying details, unless the Commissioner of Customs or the Secretary of the Treasury or the delegate of either determines that even in such generalized, summary or approximated form,

such disclosure would still be of significant competitive advantage to a competitor or would still have a significantly adverse effect upon a person supplying the information or upon a person from whom he acquired the information. As indicated in paragraph (b) of this section, however, the decision that information is not entitled to protection from disclosure in its original or in another form will not lead to its disclosure unless the person supplying it consents to such disclosure.

(2) *Information ordinarily regarded as appropriate for disclosure.* Information will ordinarily be regarded as appropriate for disclosure if it

- (i) relates to price information;
- (ii) relates to claimed freely available price allowances for quantity purchases; or

(iii) relates to claimed differences in circumstances of sale.

(3) *Information ordinarily regarded as confidential.* Information will ordinarily be regarded as confidential if its disclosure would

- (i) disclose business or trade secrets;
- (ii) disclose production costs;
- (iii) disclose distribution costs, except to the extent that such costs are accepted as justifying allowances for quantity or differences in circumstances of sale;
- (iv) disclose the names of particular customers or the price or prices at which particular sales were made. (5 U.S.C. 552)

SUBPART C—PROCEDURE UNDER ANTIDUMPING ACT, 1921

153.25 Suspected dumping; Information from Customs officers.—If any district director of Customs has knowledge of any grounds for a reason to believe or suspect that any merchandise is being, or is likely to be, imported into the United States at a purchase price or exporter's sales price less than the foreign market value (or, in the absence of such value, then the constructed value), as contemplated by section 201(b) Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), or at less than its "fair value" as that term is defined in section 153.2 he shall communicate his belief or suspicion promptly to the Commissioner of Customs. Every such communication shall contain or be accompanied by a statement of substantially the same information as is required in section 153.27, if the district director has such information or if it is readily available to him.

153.26 Suspected dumping; Information from persons outside Customs Service.—Any person outside the Customs Service who has information that merchandise is being, or is likely to be, imported into the United States under such circumstances as to bring it within

the purview of the Antidumping Act, 1921, as amended, may, on behalf of an industry in the United States, communicate such information in writing to the Commissioner of Customs.

153.27 Suspected dumping; Nature of information to be made available.—Communications to the Commissioner pursuant to section 153.26, regarding suspected dumping should, to the extent feasible, contain or be accompanied by the following:

(a) A detailed description or sample of the merchandise; if no sample is furnished, the Bureau of Customs may call upon the person who furnished the information to furnish samples of the imported and competitive domestic articles, or either;

(b) The name of the country from which it is being, or is likely to be, imported;

(c) The name of the exporter or exporters and producer or producers, if known;

(d) The ports or probable ports of importation into the United States;

(e) Information indicating that an industry in the United States is being injured, or is likely to be injured, or prevented from being established;

(f) Such detailed data as are available with respect to values and prices indicating that such merchandise is being, or is likely to be, sold in the United States at less than its fair value, within the meaning of the Antidumping Act, 1921, as amended, including information as to any differences between the foreign market value or constructed value and the purchase price or exporter's sales price which may be accounted for by any difference in taxes, discounts, incidental costs such as those for packing or freight, or other items.

(g) Such material as is available indicating the market price for similar merchandise in the country of exportation and in any third countries in which merchandise of the producer complained of is known to be sold.

(h) Such information as is available as to sales made for consumption in the country of exportation or for exportation otherwise than to the United States over a significant period of time prior to the date upon which the information is furnished.

(i) Such suggestions as the person furnishing the information may have as to specific avenues of investigation to be pursued or questions to be asked in seeking pertinent information.

153.28 Adequacy of information.—If any information filed pursuant to section 153.26 in the opinion of the Commissioner does not conform substantially with the requirements of section 153.27, the Commissioner shall return the communication to the person who sub-

mitted it with detailed written advice as to the respects in which it does not conform.

153.29 Initiation of antidumping proceeding; Summary investigation.—Upon receipt of information pursuant to section 153.25 or 153.26 in a form acceptable to the Commissioner, the Commissioner shall conduct a summary investigation. If he determines that the information is patently in error, or that merchandise of the class or kind is not being and is not likely to be imported in more than insignificant quantities, or for other reasons determines that further investigation is not warranted, he shall so advise the person who submitted the information and the case shall be closed.

153.30 Antidumping Proceeding Notice.—If the case has not closed under section 153.29, the Commissioner shall publish a notice in the Federal Register that information in an acceptable form has been received pursuant to section 153.25 or 153.26. This notice, which may be referred to as the "Antidumping Proceeding Notice," will specify—

(a) Whether the information relates to all shipments of the merchandise in question from an exporting country, or only to shipments by certain persons or firms; in the latter case, the names of such persons and firms will be specified.

(b) The date on which information in an acceptable form was received and that date shall be the date on which the question of dumping was raised or presented for purposes of sections 201(b) and 202(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b) and 161(a)).

(c) The fact that there is some evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

(d) A summary of the information received. If a person outside the Customs Service raised or presented the question of dumping, his name may be included in the notice unless a determination under section 153.23 requires that his name not be disclosed.

153.31 Full scale investigation.—(a) *Initiation of investigation.* Upon publication of an Antidumping Proceeding Notice the Commissioner shall proceed, by a full-scale investigation, or otherwise, to obtain such additional information, if any, as may be necessary to enable the Secretary to reach a determination as provided by section 153.32. In order to verify the information presented, or to obtain further details, investigations will, where appropriate, be conducted by Customs Representatives in foreign countries, unless the country concerned objects to the investigation. If an adequate investigation is

not permitted, or if any necessary information is withheld, the Secretary will reach a determination on the basis of such facts as are available to him.

(b) *Termination of investigation.* If at any time during an investigation the Commissioner determines that further investigation is not warranted by the facts of the case, he may recommend to the Secretary that the case be closed by a determination of no sales at less than fair value.

153.32 Determination as to fact or likelihood of sales at less than fair value.—(a) *Fair value determination.* Upon receipt from the Commissioner of Customs of the information referred to in section 153.31, the Secretary of the Treasury will proceed as promptly as possible to determine whether or not the merchandise in question is in fact being, or is likely to be, sold in the United States or elsewhere at less than its fair value.

(b) *Submission of views.* During the course of an antidumping proceeding interested persons may make such written submissions as they desire. Appropriate consideration will be given to any new or additional information submitted. The Secretary or his delegate also may at any time invite any person or persons to supply him orally with information or argument.

153.33 Negative determination.—(a) *Notice of Tentative Negative Determination.* If it appears to the Secretary that on the basis of information before him a determination of sales at not less than fair value may be required, he will publish in the Federal Register a "Notice of Tentative Negative Determination," which will include a statement of the reasons upon which the tentative determination is based.

(b) *Opportunity to present views.*

(1) *Written.* Interested persons may make such written submissions as they desire, within a period which will be specified in the notice, with respect to the contemplated action. Appropriate consideration will be given to any new or additional information or argument submitted.

(2) *Oral.* If any person believes that any information obtained by the Bureau of Customs in the course of the antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard. Upon receipt of such a request, the Secretary will notify the person who supplied any information, the accuracy of which is questioned and such other person or persons, if any, as he in his discretion may deem to be appropriate. If the Secretary is satisfied that the circumstances so warrant, an opportunity will be afforded by the Secretary or his dele-

gate for all such persons to appear, through their counsel or in person, accompanied by counsel if they so desire, to make known their respective points of view and to supply such further information or argument as may be of assistance in leading to a conclusion as to the accuracy of the information in question. The Secretary or his delegate may at any time invite any person or persons to supply him orally with information or argument.

(c) *Final determination.* As soon as possible thereafter, the Secretary will make a final determination and publish his determination in the Federal Register.

(d) *Negative determination after issuance of a withholding of appraisement notice.* The procedure specified in paragraphs (a), (b) and (c) will not apply if the decision to issue a negative determination is made by the Secretary after a withholding of appraisement notice has been issued and thereafter he has afforded interested parties an opportunity to be heard pursuant to the provisions of section 153.37. In lieu thereof a final negative determination will be published setting forth the statement of reasons.

153.34 Withholding of appraisement.—(a) *Three-month period.* If the Commissioner determines during the course of his investigations that there are reasonable grounds to believe or suspect that any merchandise is being, or is likely to be, sold at less than its foreign market value (or, in the absence of such value, than its constructed value) under the Antidumping Act, and if there is evidence on record concerning injury or likelihood of injury to or prevention of establishment of an industry of the United States, he shall publish notice of these facts in the Federal Register in a "Withholding of Appraisement Notice," indicating:

(1) that the belief or suspicion relates only to certain shippers or producers, if this is the case and that the investigation is limited to the transactions of such shippers or producers.

(2) the expiration date of the notice (which shall be no more than 3 months from the date of publication of the notice in the Federal Register, unless a longer period of withholding of appraisement has been requested by the importer and the exporter pursuant to paragraph (b) and has been approved by the Commissioner). This withholding of appraisement notice will be issued concurrently with the Secretary's determination pursuant to section 153.35, unless appraisement is being withheld pursuant to paragraph (b) of this section.

(b) *Six-month period.* At any time prior to the issuance of the withholding of appraisement notice referred to in paragraph (a) of this section, importers and exporters concerned may request that the period of withholding of appraisement extend for a period longer than 3

months, but in no case longer than 6 months. Upon the receipt of such a request from importers and exporters concerned the Commissioner will decide whether appraisement should be withheld for a period longer than 3 months. If the Commissioner decides that a period of withholding of appraisement longer than 3 months is justified, he will publish a withholding of appraisement notice upon the same basis and containing information of the same type as is required by paragraph (a) of this section, except that the expiration date of the notice may be 6 months from the date of publication of the notice in the Federal Register.

(c) *Advice to District Directors of Customs.* The Commissioner shall advise all district directors of Customs of his action. Upon receipt of such advice the district director of Customs shall proceed to withhold appraisement in accordance with the pertinent provisions of section 153.48.

(d) *Notice issued before July 1, 1968.* The time limitations of this section do not apply to withholding of appraisement notices issued before July 1, 1968.

153.35 Affirmative determination; General.—If it appears to the Secretary on the basis of the information before him that a determination of sales at less than fair value is required, unless the withholding of appraisement notice was issued pursuant to section 153.34 (b), he will publish in the Federal Register his Determination of Sales at Less Than Fair Value. This determination will include

- (a) an adequate description of the merchandise;
- (b) the name of each country of exportation;
- (c) the name of the supplier or suppliers, if practicable;
- (d) the date of the receipt of the information in an acceptable form;
- (e) whether the appropriate basis of comparison is purchase price or exporter's sales price; and
- (f) a statement of reasons upon which the determination is based.

153.36 Affirmative determination; Appraisement withheld pursuant to section 153.34(b).—If it appears to the Secretary on the basis of the information before him that a determination of sales at less than fair value is required, and if a withholding of appraisement notice has been issued pursuant to section 153.34(b), he will publish in the Federal Register his Determination of Sales at Less Than Fair Value within 3 months from the date of publication of such withholding of appraisement notice. This determination will contain information of the same type as required in section 153.35(a) through (f).

153.37 Affirmative determination; Opportunity to present views.—As soon as possible after the publication of the withholding of appraisement notice if any person believes that for any reason the withholding action is in error, he may request that the Secretary of the Treasury afford him an opportunity to present his views in this regard. Upon receipt of such a request the Secretary will notify each person who supplied any information, relied upon in connection with the withholding action, and such other person or persons, if any, as he may deem to be appropriate. If the Secretary is satisfied that the circumstances so warrant, an opportunity will be afforded by the Secretary or his delegate for all interested persons to appear, through their counsel or in person, accompanied by counsel if they so desire, to make known their respective points of view and to supply such further information or argument as may be of assistance in a consideration of the matter. Unless for unusual reasons it is clearly impracticable, such meeting will be held within 3 weeks of the date of the publication of the notice of withholding, unless such notice was issued pursuant to section 153.34(b), when it shall be held within 5 weeks of such publication. Reasonable notice of the meeting will be given.

153.38 Referral to United States Tariff Commission.—Whenever the Secretary makes a determination of sales at less than fair value he shall so advise the United States Tariff Commission.

153.39 Revocation of determination of sales at less than fair value; Determination of sales at not less than fair value.—If the Secretary is persuaded from information submitted or arguments received that his determination of sales at less than fair value was in error, and if the Tariff Commission has not yet issued a determination relating to injury, he will publish a notice of "Revocation of Determination of Sales at Less Than Fair Value; Determination of Sales at Not Less Than Fair Value," or, if appropriate, a notice of "Modification of Determination of Sales at Less Than Fair Value," which notice will state the reasons upon which it was based. He shall notify the Tariff Commission of his action.

153.40 Dumping finding.—If the Tariff Commission determines that there is, or is likely to be, the injury contemplated by the statute, the Secretary of the Treasury will make the finding contemplated by section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to the involved merchandise.

153.41 Modification or revocation of finding.—(a) *Application to modify or revoke.* An application for the modification or revocation of any finding made as provided for in section 153.40 may be submitted in writing to the Commissioner of Customs, together with

detailed information concerning any change in circumstances or practice which has obtained for a substantial period of time, or other reasons, which the applicant believes will establish that the basis for the finding no longer exists with respect to all or any part of the merchandise covered thereby.

(b) *Modification or revocation by Secretary.* The Secretary of the Treasury may on his own initiative modify or revoke a finding of dumping.

(c) *Notice of modification or revocation of finding.* Notice of intent to modify or revoke a finding will be published by the Secretary in the Federal Register. Comments from interested parties will be given consideration if they are received within the period of time stated in the notice.

153.42 Publication of determinations and findings.—Each determination made in accordance with sections 153.33, 153.34, 153.35, and 153.36, whether such determination is in the affirmative or in the negative, and each finding made in accordance with section 153.40, will be published in the Federal Register, together with a statement of the reasons therefor.

153.43 List of current findings.—The following findings of dumping are currently in effect:

FINDINGS OF DUMPING

<i>Merchandise</i>	<i>Country</i>	<i>T.D.</i>	<i>Modified by</i>
Portland cement, other than white, nonstaining portland cement	Sweden	55369	
	Belgium	55428	
Portland gray cement	Portugal	55501	
Portland cement, other than white, nonstaining portland cement	Dominican Republic	55883	
Chromic acid	Australia	56130	
Steel reinforcing bars	Canada	56150	
Carbon steel bars and structural shapes	Canada	56264	
Steel jacks	Canada	66-191	
Cast iron soil pipe	Poland	67-252	
Titanium sponge	U.S.S.R.	68-212	
Pig iron	U.S.S.R.	68-261	
Pig iron	Czechoslovakia	68-262	
Pig iron	East Germany	68-263	
Pig iron	Romania	68-264	

FINDINGS OF DUMPING—Continued

<i>Merchandise</i>	<i>Country</i>	<i>T.D.</i>	<i>Modified by</i>
Potassium chloride, otherwise known as muriate of potash	France	69-263	
Potassium chloride, otherwise known as muriate of potash	West Germany	69-264	
Potassium chloride, otherwise known as muriate of potash, except shipments by U.S. Borax & Chemical Co., Kalium, Saskatchewan, Canada	Canada	69-265	
Aminoacetic acid (glycine)	France	70-71	
Steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Ltd., Melbourne, Australia	Australia	70-81	

SUBPART D—ACTION BY DISTRICT DIRECTOR OF CUSTOMS

153.48 Action by the District Director of Customs.—(a) *Appraisal withheld; Notice to importer.* Upon receipt of advice from the Commissioner of Customs pursuant to section 153.34, the district director of Customs shall withhold appraisal as to such merchandise entered, or withdrawn from warehouse, for consumption, after the date of publication of the "Withholding of Appraisal Notice," unless the Commissioner's Withholding of Appraisal Notice specifies a different effective date. Each district director of Customs shall notify the importer, consignee, or agent immediately of each lot of merchandise with respect to which appraisal is so withheld. Such notice shall indicate (1) the rate of duty of the merchandise under the applicable item of the Tariff Schedules of the United States if known, and (2) the estimated margin of the special dumping duty that could be assessed. Upon advice of a finding made in accordance with section 153.40, the district director of Customs shall give immediate notice thereof to the importer when any shipment subject thereto is imported after the date of the finding and information is not on hand for completion of appraisal of such shipment.

(b) *Request to proceed with appraisal.* If, before a finding of dumping has been made, or before a case has been closed without a finding of dumping, the district director of Customs is satisfied by information furnished by the importer or otherwise that the purchase price or exporter's sales price, in respect of any shipment, is not less than foreign market value (or, in the absence of such value, than the constructed value), he shall so advise the Commissioner and request

authorization to proceed with his appraisal of that shipment in the usual manner.

153.49 Certificate of importer.—If a finding of dumping has been made, the district director of Customs shall require the importer or his agent to file a certificate of the importer on the appropriate one of the following forms. A separate certificate shall be required for each shipment.

Form 1

Nonexporter's Certificate
Antidumping Act, 1921

Port of _____

Date _____, 19__

Re: Entry No. _____, dated _____, 19__.

Import carrier: _____ Arrived _____, 19__.

I certify that I am not the exporter as defined in section 207, Antidumping Act, 1921, of the merchandise covered by the aforesaid entry. I further certify that the merchandise was purchased for importation by _____ on _____, 19__, and that the purchase price is _____.

(Signed) _____

Form 2

Exporter's Certificate When Sales Price is Known
Antidumping Act, 1921

Port of _____

Date _____, 19__

Re: Entry No. _____, dated _____, 19__.

Import carrier: _____ Arrived _____, 19__.

I certify that I am the exporter as defined in section 207, Antidumping Act, 1921, of the merchandise covered by the aforesaid entry; that the merchandise is sold or agreed to be sold at the price stated in the attached statement; and that, if any of such merchandise is actually sold at any price different from the price stated therefor in the attached statement, I will immediately notify the district director of Customs of all the circumstances.

The merchandise was acquired by me in the following manner:

_____ and has been sold or agreed to be sold to _____

(name and address)

at _____.

(price)

(Signed) _____

Form 3Exporter's Certificate When Sales Price is Not KnownAntidumping Act, 1921

Port of _____

Date _____, 19__

Re: Entry No. _____, dated _____, 19__

Import carrier: _____ Arrived _____, 19__

I certify that I am the importer as defined in section 207, Antidumping Act, 1921, of the merchandise covered by the aforesaid entry, and that I have no knowledge as to any price at which such merchandise will be sold in the United States. I hereby agree that I will keep a record of the sales and will furnish the district director of Customs within 30 days after the sale of any of such merchandise a statement of each selling price. I further agree that, if any of the merchandise has not been sold before the expiration of 6 months from the date of entry, I will so report to the district director of Customs upon such expiration date.

The merchandise was acquired by me in the following manner:

(Signed) _____

Form 4Exporter's Certificate When Merchandise is Not, And
Will Not Be, SoldAntidumping Act, 1921

Port of _____

Date _____, 19__

Re: Entry No. _____, dated _____, 19__

Import carrier: _____ Arrived _____, 19__

I certify that I am the exporter as defined in section 207, Antidumping Act, 1921, of the merchandise covered by the aforesaid entry and that such merchandise has not been, and will not be, sold in the United States for the following reason: _____

(Signed) _____

(Sec. 486, 46 Stat. 725, as amended; 19 U.S.C. 1486)

153.50 Appraisement of merchandise covered by Form 4.—If an unqualified certificate on Form 4 is filed and the district director of Customs is satisfied that no evidence can be obtained to contradict it, the shipment will be appraised without regard to the Antidumping Act.

153.51 Appraisement when required certificate not filed.—If the importer fails to file an appropriate certificate within 30 days fol-

lowing notification by the district director of Customs that a certificate is required under section 153.49, appraisement shall proceed upon the basis of the best information available.

153.52 Reimbursement of dumping duties.—(a) *General.* In calculating purchase price or exporter's sales price as the case may be, there shall be deducted the amount of any special dumping duties which are, or will be paid by the manufacturer, producer, seller, or exporter, or which are, or will be, refunded to the importer by the manufacturer, producer, seller, or exporter, either directly or indirectly, but a warranty of nonapplicability of dumping duties entered into before the initiation of the investigation, will not be regarded as affecting purchase price or exporter's sales price if it was granted to an importer with respect to merchandise which was

(1) purchased, or agreed to be purchased, before publication of a Withholding of Appraisement Notice with respect to such merchandise, and

(2) exported before a determination of sales at less than fair value is made.

(b) *Statement concerning reimbursement.* Before proceeding with appraisement of any merchandise with respect to which dumping duties are found to be due the district director of Customs shall require the importer to file a written statement in the following form:

I hereby certify that I (have) (have not) entered into any agreement or understanding for the payment or for the refunding to me, by the manufacturer, producer, seller or exporter of all or any part of the special dumping duties assessed upon the following importations of (commodity) from (country): (List entry numbers) which have been purchased on or after (date of publication of withholding in Federal Register) or purchased before (same date) but exported on or after (date of determination of sales at less than fair value).

A certificate will be required for all merchandise that is unappraised on the date that the finding of dumping is issued. Thereafter, a separate certificate will be required for each additional shipment.

153.53 Release of merchandise; Bond.—When the district director of Customs in accordance with section 153.34(c) has received a notice of withheld appraisement or when he has been advised of a finding provided for in section 153.40, and so long as such notice or finding is in effect, he shall withhold release of any merchandise of a class or kind covered by such notice or finding which is then in his custody or is thereafter imported, unless an appropriate bond is filed or is on file, as specified hereafter in section 153.54, or unless the merchandise covered by a specified entry will be appraised without regard to the Antidumping Act, 1921, as amended.

153.54 Type of bond required.—(a) *General.* If the merchandise is of a class or kind covered by a notice of withheld appraisement provided for in section 153.48(a) or by a finding provided for in section 153.40, a single consumption entry bond covering the shipment, in addition to any other required bond, shall be furnished by the person making the entry or withdrawal, unless

(1) a bond is required under paragraph (b), or

(2) in cases in which there is not such requirement the district director of Customs is satisfied that the bond under which the entry was filed is sufficient.

The face amount of any additional bond required under this paragraph shall be sufficient to assure payment of any special duty that may accrue by reason of the Antidumping Act, but in no case shall be for less than \$100.

(b) *Bond on Customs Form 7591.* If the merchandise is of a class or kind covered by a finding provided for in section 153.40 and the importer or his agent has filed a certificate on Form 3 (section 153.49), the bond required by section 208 of the Antidumping Act, 1921 (19 U.S.C. 167), shall be on Customs Form 7591. In such case, a separate bond shall be required for each entry or withdrawal, and such bond shall be in addition to any other bond required by law or regulation. The record of sales required under the conditions of the bond of Customs Form 7591 shall identify the entry covering the merchandise and show the name and address of each purchaser, each selling price, and the date of each sale. The face amount of such bond shall be equal to the estimated value of the merchandise covered by the finding.

153.55 Conversion of currencies.—In determining the existence and amount of any difference between the purchase price or exporter's sales price and the foreign market value (or, in the absence of such value, the constructed value) for the purposes of sections 153.2 through 153.5 of these regulations, or of section 201(b) or 202(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b), 161(a)), any necessary conversion of a foreign currency into its equivalent in United States currency shall be made in accordance with the provisions of section 522, Tariff Act of 1930, as amended (31 U.S.C. 372) and section 16.4 of these regulations, (a) as of the date of purchase or agreement to purchase, if the purchase price is an element of the comparison, or (b) as of the date of exportation, if the exporter's sales price is an element of the comparison.

153.56 Dumping duty.—(a) *Rule for assessment.* Special dumping duty shall be assessed on all importations of merchandise, whether dutiable or free, as to which the Secretary of the Treasury has made public a finding of dumping, entered or withdrawn from warehouse, for consumption, not more than 120 days before the question of dump-

ing was raised by or presented to the Secretary or his delegate, provided the particular importation has not been appraised prior to the publication of such finding, and the district director of Customs has determined that the purchase price or exporter's sales price is less than the foreign market value or constructed value, as the case may be.

(b) *Entered value not controlling.* The fact that the importer has added on entry the difference between the purchase price or the exporter's sales price and the foreign market value or constructed value and the district director of Customs has approved the resulting entered value shall not prevent the assessment of the special dumping duty.

153.57 Notice to importer.—Before dumping duty is assessed, the district director of Customs shall notify the importer, his consignee, or agent of the appraisement of the merchandise, as in the case of an advance in value. If the importer files an appeal for reappraisement, liquidation shall be suspended until the appeal for reappraisement is finally decided.

153.58 Dumping duty; Samples.—If the necessary conditions are present, the special dumping duty shall be assessed on samples imported for the purpose of taking orders and making sales in this country.

153.59 Method of computing dumping duty.—If it appears that the merchandise has been purchased by a person not the exporter within the meaning of section 207, Antidumping Act, 1921 (19 U.S.C. 166), the special dumping duty shall equal the difference between the purchase price and the foreign market value on the date of purchase, or, if there is no foreign market value, between the purchase price and the constructed value, any foreign currency involved being converted into United States money as of the date of purchase or agreement to purchase. If it appears that the merchandise is imported by a person who is the exporter within the meaning of such section 207, the special dumping duty shall equal the difference between the exporter's sales price and the foreign market value on the date of exportation, or, if there is no foreign market value, between the exporter's sales price and the constructed value, any foreign currency involved being converted into United States money as of the date of exportation.

SUBPART E—ANTIDUMPING APPEALS AND PROTESTS

153.64 Antidumping appeals and protests procedure.—Appeals for reappraisement, applications for reviews of reappraisements, and protests relating to the Antidumping Act, 1921, as amended, shall be made in the same manner as appeals, applications for review and protests relating to ordinary Customs duties.

(T.D. 70-135)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., June 5, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.

(133.121)

ROBERT V. McINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

TARIFF CLASSIFICATION

T.D. 70-135 (1) *Articles of aluminum, not coated or plated with precious metal, assembled from components not advanced in value. Christmas tree light reflectors.*—Christmas tree light reflectors of aluminum components manufactured in the United States, and cardboard insulating bushings manufactured in Mexico, classifiable under the provision for articles of aluminum, not coated or plated with precious metal, in *item 657.40*, TSUS. Bureau letter dated May 19, 1970. (511.1)

T.D. 70-135 (2) *Articles of wood, nspf. Masi or Tapa cloth.*—Masi or Tapa cloth, handmade from several sheets of mulberry tree bark thinned by beating with a mallet and decorated with designs by stencilling or roller relief printing, is classifiable under the provision for other articles nspf, of unspun fibrous vegetable materials, in *item 222.64*, TSUS, and not as a work of art in *Schedule 7, Part 11A*, TSUS, by reason of *Headnote 1 (iii), Part 11A, Schedule 7*, which precludes from classification in that part articles made in any part by stencilling or other mechanical processes. Bureau letter dated May 20, 1970. (483.3)

T.D. 70-135 (3) *Benzenoid chemicals.—Piperonyl butoxide.*—Piperonyl butoxide, an insecticide synergist, is classifiable under the provision for other cyclic organic chemical products in any physical form having a benzenoid, quinoid, or modified benzenoid structure, in *item 403.60*, TSUS. Bureau letter dated May 13, 1970. (411.1)

T.D. 70-135 (4) *Candy.*—Chocolate coated ceelonos, consisting of cookie crumbs and such confectionery ingredients as coconut, salt,

syrup, icing sugar, and chocolate flavored coating, chiefly eaten as a confection and similar in taste, appearance, and ingredients to a candy bar, classifiable under the provision for candy and confectionery, nsppf, in *item 157.10*, TSUS, and not under the provision for biscuits, cakes, wafers, and similar baked products in *item 182.20*, TSUS. Bureau letter dated May 20, 1970. (461.31)

T.D. 70-135 (5) *Chemicals, benzenoid. Xylene diamine.*—Xylene diamine is classifiable under the provision for benzenoid mixtures in *item 403.90*, TSUS. Bureau letter dated May 20, 1970. (411.1)

T.D. 70-135 (6) *Drugs. Antibiotics.*—Ampicillin is classifiable under the provision for products suitable for medicinal use and drugs obtained, derived, or manufactured in whole or in part from a benzenoid product, in *item 407.85*, TSUS. Erythromycin is classifiable under the provision for other antibiotics in *item 437.32*, TSUS. Bureau letter dated May 15, 1970. (412.6)

T.D. 70-135 (7) *Electronic tubes, photocells, transistors, and other related electronic crystal components, and parts thereof.*—Integrated circuits, described as monolithic integrated circuits TTL series, suited for high speed and general purpose digital application and encapsulated in a molded package for insertion into printed circuit boards, classifiable under the provision for electronic tubes, photocells, transistors, and other related electronic crystal components, and parts thereof, in *item 687.60*, TSUS. Bureau letter dated May 18, 1970. (431.24)

T.D. 70-135 (8) *Flavoring extracts. Ginger compound base.*—Ginger compound base, containing extract of ginger, several other flavoring ingredients, and ethyl alcohol, 91.3 percent by weight, used to make ginger ale syrup, is classifiable under the provision for flavoring extracts containing over 50 percent of alcohol by weight, in *item 450.50*, TSUS. Bureau letter dated May 20, 1970. (418.5)

T.D. 70-135 (9) *Gloves, not of lace or net, of man-made fibers, knit. Mittens.*—Mittens sewn from sheer, knit nylon, to be worn by women when laundering or putting on hose or fine fabrics, classifiable under the provision for gloves, not of lace or net, of man-made fibers, knit, in *item 704.85*, TSUS. Bureau letter dated May 20, 1970. (474.5)

T.D. 70-135 (10) *Instruments and apparatus for automatically controlling the flow of gases, and parts thereof. Thermocouples.*—Thermocouples which convert heat from a gas pilot light into electrical energy to power a magnet controlling a gas supply valve, and which are used in gas water heater controls, classifiable under the provision

for other instruments and apparatus for automatically controlling the flow of gases, and parts thereof, in *item 711.84*, TSUS. Bureau letter dated May 13, 1970. (426.846)

T.D. 70-135 (11) *Machines for processing paper or making paper into articles. Paper cutting machinery.*—Equipment which includes a "cut size sheeter" to convert rolls of paper into finished sizes of writing or mimeograph paper, and a looseleaf filler machine which will convert rolls of paper into finished sizes of filler paper, classifiable under the provision for machines for processing paper or making paper into articles, in *item 668.02*, TSUS. Bureau letter dated May 20, 1970. (434.3)

T.D. 70-135 (12) *Solid-state radio receivers. Radio-horn combination.*—Battery-operated radio with a built-in horn, used on bicycles or as a portable radio, classifiable in *item 685.23*, TSUS. Bureau letter dated May 19, 1970. (431.51)

T.D. 70-135 (13) *Textile articles, nspf. Typewriter ribbon and computer tapes.*—Nylon typewriter ribbon and computer tapes, either inked or cut to size, are classifiable under the provision for other textile articles, nspf, not ornamented, of man-made fibers, in *item 389.60*, TSUS. See T.D. 66-120(1) and (38). Bureau letter dated May 13, 1970. (471.21)

T.D. 70-135 (14) *Vehicles constructed and equipped to perform special services. Snowblower.*—A snowblower consisting of a four-wheel drive tractor with attached blower unit comprising a bucket which houses either two augers or a rotary wheel shovel, a turbine, a rotary drum, and a loading chute, classifiable under the provision for other motor vehicles specially constructed and equipped to perform special services or functions, in *item 692.16*, TSUS. Bureau letter dated May 20, 1970. (433.9)

T.D. 70-135 (15) *Wearing apparel, of textile materials. Women's coat.*—Women's woven wool coat, imported with a belt having fringed ends, which is considered ornamented for tariff purposes, is classifiable under the provision for other women's or girls' wearing apparel, ornamented, of wool, in *item 382.02*, TSUS. *Headnote 3 of Schedule 3*, defining the term "ornamented" to include fringes, noted. Bureau letter dated May 15, 1970. (473.4)

(T.D. 70-136)

Vessels in Foreign and Domestic Trades

The Federal Water Pollution Control Act, as amended, and its applicability to vessels engaged in foreign and domestic trades

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., June 5, 1970.

Public Law 91-224 approved April 3, 1970, entitled "An Act to amend the Federal Water Pollution Control Act, as amended, and for other purposes," is set forth, in pertinent part, below.

Appropriate amendments to the regulations will be issued in the near future.

(011)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—WATER QUALITY IMPROVEMENT

SEC. 101. This title may be cited as the "Water Quality Improvement Act of 1970".

SEC. 102. Existing sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of such Act is redesignated as section 27. Sections 11 through 16 of such Act are redesignated as sections 21 through 26, respectively. Such Act is further amended by inserting after section 10 the following new sections:

"CONTROL OF POLLUTION BY OIL

"SEC. 11. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

"(3) 'vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

"(4) 'public vessel' means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(5) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

"(7) 'person' includes an individual, firm, corporation, association, and a partnership;

"(8) 'remove' or 'removal' refers to removal of the oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(9) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

"(10) 'onshore facility' means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

"(11) 'offshore facility' means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

"(12) 'act of God' means an act occasioned by an unanticipated grave natural disaster;

"(13) 'barrel' means 42 United States gallons at 60 degrees Fahrenheit.

"(b) (1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

"(2) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (3) of this subsection, is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

"(3) The President shall, by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil the discharge of

which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches, except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

"(4) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than \$10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

"(5) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil is knowingly discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than \$10,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the Treasury shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

"(c) (1) Whenever any oil is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of oil at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

"(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment dispersal, and removal of oil, and shall include, but not be limited to—

"(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

"(B) identification, procurement, maintenance, and storage of equipment and supplies;

"(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil pollution control equipment and material, and a detailed oil pollution prevention and removal plan;

"(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil to the appropriate Federal agency;

"(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

"(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil; and

"(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.

The President may, from time to time, as he deems advisable, revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and actions to minimize damage from oil discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

"(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

"(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and sub-

stantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

“(f) (1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil is discharged in violation of subsection (b) (2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed \$100 per gross ton of such vessel or \$14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

“(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b) (2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed \$8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because

of size, type, and location do not present a substantial risk of the discharge of oil in violation of subsection (b) (2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

"(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b) (2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed \$8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

"(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil is discharged in violation of subsection (b) (2) of this section proves that such discharge of oil was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil in violation of subsection (b) (2) of this section, the liability of such third party under this subsection shall not exceed \$100 per gross ton of such vessel or \$14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred, if such owner or operator were liable. If the United States can show that the discharge of oil in violation of subsection (b) (2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

"(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

"(i) (1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil is discharged in violation of subsection (b) (2) of this section acts to remove such oil in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing clauses.

"(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

"(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

"(j) (1) Consistent with the National Contingency Plan required by subsection (c) (2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil, (B) establishing criteria for the development and implementation of local and regional oil removal contingency plans, (C) establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and from onshore facilities and offshore facilities, and (D) governing the inspection of vessels carrying cargoes of oil and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from such vessels in violation of this section.

"(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than \$5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

"(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed \$35,000,000 to carry out the provisions of subsections (c), (i), and (l) of this section and section 12 of this Act. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section and section 12 of this Act. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

"(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i) (1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

"(o) (1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly-owned or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

"(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil into any waters within such State.

"(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

"(p) (1) Any vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States

or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of \$100 per gross ton, or \$14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or chartered more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

"(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

"(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

"(4) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

"(A) other measures to provide financial responsibility and limitation of liability with respect to vessels using the navigable waters of the United States;

"(B) measures to provide financial responsibility for all on-shore and offshore facilities; and

"(C) other measures for limitation of liability of such facilities;

for the cost of removing discharged oil and paying all damages resulting from the discharge of such oil. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

* * *

"CONTROL OF SEWAGE FROM VESSELS

"SEC. 13. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(4) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacture' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(b) (1) As soon as possible, after the enactment of this section and subject to the provisions of section 5(j) of this Act, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent

with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

"(c) (1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

"(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Secretary, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes, of vessels (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b) (1) and certifications under subsection (g) (2) of this section shall be promulgated and issued by the Secretary of Defense.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a State, and where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters of such State which are the subject of the application and to which such standards apply.

"(g) (1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate pur-

chaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g) (1) and subsections (h) (1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpoena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates subsection (g) (1) or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than \$5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section shall be liable to a civil penalty of not more than \$2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of

the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

Approved April 3, 1970.

(T. D. 70-137)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., June 4, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from May 25 through May 29, 1970, rate of \$0.284999.

Denmark krone:

May 25, 1970.....	\$0.133329
May 26, 1970.....	.133345
May 27, 1970.....	.133391
May 28, 1970.....	.133341
May 29, 1970.....	.133337

Hong Kong dollar:

Official rate of \$0.163750 for the period from May 11 through May 15, 1970, and no Free rate.

Iran rial:

For the period from May 18 through May 22, 1970, rate of \$0.0130333.

Philippine peso:

Official rate of \$0.256410* for the period from May 18 through May 22, 1970, and the following Free rates:

May 18, 1970.....	\$0.160600*
May 19, 1970.....	.159933*
May 20, 1970.....	.160000*
May 21, 1970.....	.160000*
May 22, 1970.....	.160000*

*Certified as nominal rate.

Thailand baht (tical):

For the period from May 18 through May 22, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

(T.D. 70-138)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., June 9, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from June 1 through June 5, 1970, rate of \$0.284999.

Denmark krone:

June 1, 1970	-----	\$0.133328
June 2, 1970	-----	.133354
June 3, 1970	-----	.133329
June 4, 1970	-----	.133325
June 5, 1970	-----	.133318

Hong Kong dollar:

For the period from May 18 through May 22, 1970, Official rate of \$0.163750. Free rate not available.

Iran rial:

For the period from May 25 through May 29, 1970, rate of \$0.0130333.

Philippine peso:

For the period from May 25 through May 29, 1970, Official rate of \$0.256410* and a Free rate of \$0.160000*.

*Certified as nominal rate

Thailand baht (tical) :

For the period from May 25 through May 29, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,

Acting Commissioner of Customs.

(T.D. 70-139)

Cotton textiles—Restriction on entry

Restriction on entry of category 64 cotton textile products, manufactured or produced in Malaysia

TREASURY DEPARTMENT,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., June 11, 1970.

There are published below the directives of April 27 and May 20, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry in the United States of cotton textile products in part of category 64 manufactured or produced in Malaysia.

These directives were published in the Federal Register on April 30, 1970 (35 F.R. 6882), and May 26, 1970 (35 F.R. 8259), by the Inter-agency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,

Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE

WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

April 27, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962,

including Article 6(c) thereof relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning February 7, 1970 and extending through February 26, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in part of Category 64¹ produced or manufactured in Malaysia, in excess of a level of restraint for the period of 74,000 pounds.²

In carrying out this directive, entries of cotton textile products in this part of Category 64, produced or manufactured in Malaysia and which have been exported to the United States from Malaysia prior to February 27, 1970, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 64 in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

ROCCO C. SICILIANO,
Acting Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

¹ Only T.S.U.S.A. Nos.:

366.4500

366.4600

366.4700

² This level has not been adjusted to reflect any entries made on or after February 27, 1970.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

May 20, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

This directive amends but does not cancel the directive issued to you on April 27, 1970, by the Chairman of the President's Cabinet Textile Advisory Committee, establishing levels of restraint for the entry into the United States for consumption and the withdrawal from warehouse for consumption, of cotton textile products in part of Category 64, produced or manufactured in Malaysia.

The first paragraph of that directive is amended by deleting the phrase "for the twelve-month period beginning February 27, 1970 and extending through February 26, 1971", and substituting for it the phrase "for the twelve-month period beginning February 28, 1970 and extending through February 27, 1971."

The second paragraph of that directive is amended by deleting the phrase "prior to February 27, 1970" and substituting for it the phrase "prior to February 28, 1970".

This letter will be published in the Federal Register.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-140)*Bonded Carriers*

Approval and discontinuance of carrier bonds, Customs Form 3587

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., June 12, 1970.

Bonds of carriers for the transportation of bonded merchandise have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in

parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at end of list.

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
A.B.C. Freight Forwarding Corp., 201 Eleventh Ave., New York, N.Y., motor carrier; The Home Indemnity Co. PB(3-1-59) D 3-1-68 ¹	Mar. 1, 1968	Mar. 1, 1968	Chicago, Ill.; \$25,000
Air Line Freight, Inc., 731 Chester Pike, Prospect Park, Pa., motor carrier; The Home Indemnity Co. PB(11-28-66) D 5-6-70 ²	May 6, 1970	May 6, 1970	Philadelphia, Pa.; \$25,000
Alcoa Steamship Co., Inc., 17 Battery Place, New York, N.Y., water carrier; Seaboard Surety Co. D 5-20-70	Mar. 8, 1951	Mar. 9, 1951	New York, N.Y.; \$50,000
All-Ohio Express, Inc., 1805 E. Market St., Akron, Ohio, motor carrier; U.S. Fidelity & Guaranty Co. D 4-30-70	Sept. 13, 1968	Sept. 25, 1968	Cleveland, Ohio; \$25,000
Atlas Cargo Airlines, Logan Int'l Airport, East Boston, Mass., air carrier; National Grange Mutual Ins. Co. D 4-2-70	May 5, 1969	July 17, 1969	Boston, Mass.; \$50,000
Bee Line Heavy Haulers, Inc., 2576 N.W. 72nd St., Miami Fla., motor carrier; Fidelity & Deposit Co. of Md.	May 6, 1970	May 12, 1970	Miami, Fla.; \$25,000
Blue Line Express, Inc., Lowell Rd., Nashua, N.H., motor carrier; The Home Indemnity Co. PB(4-10-68) D 4-10-70 ³	Apr. 10, 1970	Apr. 10, 1970	Boston, Mass.; \$50,000
Boston & Springfield Despatch, Inc., 137 Harvard Ave., Stamford, Conn., motor carrier; St. Paul Fire & Marine Ins. Co. D 5-15-70	June 24, 1968	June 24, 1968	Bridgeport, Conn.; \$50,000
Bourne's Trans, Inc., 1254 Belmont St., Brockton, Mass., motor carrier; Liberty Mutual Ins. Co.	Apr. 6, 1970	May 11, 1970	Boston, Mass.; \$50,000
Brady Motorfrate, Inc. (Pa. corp.), Pittsburgh, Pa., motor carrier; Allied Mutual Ins. Co. D 5-9-70	May 1, 1968	May 1, 1968	Baltimore, Md.; \$25,000
Briggs Transportation Co., 2360 W. County Rd. C, St. Paul, Minn., motor carrier; Fireman's Fund Ins. Co. PB(6-2-60) D 5-26-70	May 21, 1970	May 26, 1970	Minneapolis, Minn.; \$25,000
Mack E. Burgess dba Builders Transport, P.O. Box 1022, Great Falls, Mont., motor carrier; General Ins. Co. of America D 4-10-70	Apr. 10, 1969	June 10, 1969	Great Falls, Mont.; \$25,000
Chiovitti's Motor Transportation, Inc., Bellows Falls, Vt., motor carrier; Liberty Mutual Ins. Co. D 4-3-70	Feb. 20, 1968	Mar. 7, 1968	St. Albans, Vt.; \$25,000
Commercial Transportation, Inc., 2700 E. Berkshire St., Philadelphia, Pa., motor carrier; Fidelity & Deposit Co. of Md.	Apr. 6, 1970	Apr. 10, 1970	Philadelphia, Pa.; \$25,000
Coyle Lines Inc., 1701 Market St., Jeffersonville, Ind., water carrier; Federal Ins. Co.	Oct. 3, 1969	Apr. 28, 1970	Cleveland, Ohio; \$100,000
Dependable Container Services Inc., Foot of 23rd St., Brooklyn, N.Y., motor carrier; St. Paul Fire & Marine Ins. Co.	Apr. 11, 1970	Apr. 16, 1970	New York, N.Y.; \$50,000

See footnotes at end of table.

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
Ed Douthitt , 520 27th Ave. N.E., Great Falls, Mont., motor carrier; U.S. Fidelity & Guaranty Co. PB(4-16-68) D 5-4-70 ⁴	May 4, 1970	May 4, 1970	Great Falls, Mont.; \$25,000
Drum Transport, Inc. , 5241 N. Merrimac, Peoria, Ill., motor carrier; St. Paul Fire & Marine Ins. Co.	May 1, 1970	May 14, 1970	Chicago, Ill.; \$75,000
Victor Elting dba E. Trucking , 365 River Rd., Bogota, N.J., motor carrier; St. Paul Fire & Marine Ins. Co. D 5-7-70	Apr. 28, 1965	Aug. 11, 1965	New York, N.Y.; \$25,000
Euro-American Air Freight Forwarding Co., Inc. , Worcester Municipal Airport, Worcester, Mass., motor carrier; The Hanover Ins. Co. PB(3-26-69) D 4-10-70 ⁵	Apr. 1, 1970	Apr. 10, 1970	Boston, Mass.; \$25,000
Fast Freight, Inc. , 2054 Delaware Rd., Akron, Ohio, motor carrier; Great American Ins. Co. D 4-17-70	May 16, 1968	May 29, 1968	Cleveland, Ohio; \$25,000
Gores's Motor Express, Inc. , 2003 Bleecker St., Utica, N.Y., motor carrier; Transamerica Ins. Co. D 11-8-69	Nov. 8, 1962	Dec. 7, 1962	Rochester, N.Y.; \$10,000
Gottry Corp. , 999 Behan Rd., Rochester, N.Y., motor carrier; St. Paul Fire & Marine Ins. Co.	Feb. 4, 1970	Apr. 6, 1970	Buffalo, N.Y.; \$25,000
Grassick Transport, Ltd. , 2454 Sutton Rd., Victoria, B.C., Can., motor carrier; St. Paul Fire & Marine Ins. Co.	Oct. 29, 1969	Apr. 21, 1970	Seattle, Wash.; \$25,000
William Higgins & Sons, Inc. , 143 Perry St., Buffalo, N.Y., motor carrier; St. Paul Fire & Marine Ins. Co. D 2-4-70.	Feb. 4, 1960	Feb. 5, 1960	Buffalo, N.Y.; \$10,000
Pat Izzi Trucking Co. , 80 Wayland Ave., Cranston, R.I., motor carrier; The Aetna Casualty & Surety Co.	Apr. 30, 1970	May 18, 1970	Providence, R.I.; \$25,000
Kingsway Freight Lines Ltd. , 212 24th St., NE., Calgary, Alberta, Can., motor carrier; The Continental Ins. Co. PB(4-18-62) D 4-28-70 ⁶	Apr. 1, 1970	Apr. 28, 1970	Great Falls, Mont. \$25,000
Lifschultz Fast Freight , 173 W. Madison St., Chicago, Ill., freight forwarder; Continental Casualty Co. D 4-13-70	June 28, 1949	Oct. 4, 1949	Chicago, Ill.; \$25,000
Lifschultz Fast Freight, Inc. , & Arrow-Lifschultz Freight Forwarders, Inc., Arrow-Lifschultz Forwarders, Inc., 28 N. Franklin, Chicago, Ill., motor carrier; Continental Casualty Co.	Dec. 19, 1969	Apr. 17, 1970	New York, N.Y.; \$50,000
McBride Transportation, Inc. , 283 W. Main St., Goshen, N.Y., motor carrier; Liberty Mutual Ins. Co. D 5-11-70	Jan. 23, 1969	Mar. 28, 1969	Buffalo, N.Y.; \$25,000
John B. McLaine dba McLaine's Transfer , Milton, P.E.I., Can., motor carrier; Maine Bonding & Casualty Co.	Apr. 1, 1970	Apr. 15, 1970	Portland, Me.; \$25,000.
Mid-County Trucking Co. , 121 Jersey Ave., New Brunswick, N.J., motor carrier; New Hampshire Ins. Co. D 5-20-70	Sept. 6, 1968	Oct. 15, 1968	New York, N.Y.; \$25,000
J. B. Montgomery, Inc. , 5150 Brighton Blvd., Denver, Colo., motor carrier; St. Paul Fire & Marine Ins. Co.	Mar. 27, 1970	Apr. 10, 1970	Denver, Colo.; \$25,000
Francis Mooney Trucking , 216 California St., Dillon, Mont., motor carrier; Mid-Century Ins. Co. PB(5-24-68) D 5-20-70 ⁷	Mar. 4, 1970	May 20, 1970	Great Falls, Mont.; \$25,000
North American Van Lines Canada Ltd. , P.O. Box 339, Pickering, Ont., Can., motor carrier; Globe Indemnity Co. PB(9-26-60) D 5-28-70	Apr. 16, 1970	May 23, 197	Buffalo, N.Y.; \$25,000

See footnotes at end of table.

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
P & G Motor Freight, Inc., 450 Burnham St., South Windsor, Conn., motor carrier; St. Paul Fire & Marine Ins. Co. PB(10-11-65) D 6-2-70 ¹	May 27, 1970	June 2, 1970	New York, N.Y.; \$25,000
Pacelli Bros. Transportation, Inc., 119 Trowel St., Bridgeport, Conn., motor carrier; Maryland Casualty Co.	Apr. 22, 1970	Apr. 29, 1970	Bridgeport, Conn.; \$25,000
Rio Airways, Inc., Route 2, Box 901, Corpus Christi, Tex., air carrier; Merchants Mutual Bonding Co.	Apr. 20, 1970	May 1, 1970	Laredo, Tex.; \$25,000
Seaboard World Airlines, Inc., JFK Airport, Jamaica, N.Y., air carrier; Seaboard Surety Co. PB(9-27-66) D 5-4-70 ²	May 1, 1970	May 4, 1970	New York, N.Y.; \$50,000
Slaughter Beverage Transport, Smyrna, Del., motor carrier; New Hampshire Ins. Co.	Mar. 12, 1970	May 14, 1970	Philadelphia, Pa.; \$25,000
Sofield Transfer Co., Inc., 1051 Edwards St., Linden, N.J., motor carrier; St. Paul Fire & Marine Ins. Co.	Mar. 17, 1970	Mar. 18, 1970	New York, N.Y.; \$50,000
Southwest Delivery Co., Inc., 304 Columbia St., Vancouver, Wash., motor carrier; Mid-Century Ins. Co.	May 7, 1970	May 14, 1970	Portland, Ore.; \$25,000
Standard Trucking Co., Inc., Charlotte, N.C., motor carrier; The Aetna Casualty & Surety Co. PB(3-11-69) D 3-30-70 ³	Mar. 11, 1970	Mar. 31, 1970	Wilmington, N.C.; \$25,000
Thompson's Transfer Co., Ltd., School St., Middleton, N.S., Can., motor carrier; Maine Bonding & Casualty Co. D 3-31-70	Apr. 21, 1968	May 14, 1968	Portland, Me.; \$25,000
Wright Trucking, Inc., 16 Main St., Lowell, Mass., motor carrier; Liberty Mutual Ins. Co. D 4-21-70	Oct. 31, 1967	Nov. 2, 1967	Boston, Mass.; \$50,000

¹ Surety is Fidelity & Casualty Co. of N.Y.

² Surety is American Casualty Co. of Reading, Pa.

³ Surety is Liberty Mutual Ins. Co.

⁴ Surety is St. Paul Fire & Marine Ins. Co.

⁵ Surety is The Travelers Indemnity Co.

⁶ Surety is Transamerica Ins. Co.

⁷ Principal is Francis Mooney dba Mooney Trucking

⁸ Surety is Continental Casualty Co.

⁹ Surety is Globe Indemnity Co.

¹⁰ Surety is Liberty Mutual Ins. Co.

(241.2)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(T.D. 70-141)

Cotton textiles—Restrictions on entry

Restrictions on categories 1 through 64 of cotton textiles and cotton textile products manufactured or produced in Pakistan

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., June 15, 1970.

There is published below the directive of May 25, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restrictions on entry into the United States of cotton textiles and cotton textile products in categories 1 through 64, manufactured or produced in Pakistan. This directive amends but does not cancel that committee's directives of June 30, 1969, and January 14, 1970 (T.Ds. 69-175 and 70-41, respectively).

This directive was published in the Federal Register on June 2, 1970 (35 F.R. 8522), by the Interagency Textile Administrative Committee.

(343.3)

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

May 25, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

On June 30, 1969, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Pakistan in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments¹ in the levels of restraint you would be so in-

¹ The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of July 3, 1967, between the Governments of the United States and Pakistan which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements.

formed by letter from the Chairman of the Interagency Textile Administrative Committee. On January 14, 1970, the Chairman of the Interagency Textile Administrative Committee directed you to adjust certain levels of restraint contained in the directive of June 30, 1969, for cotton textile products in certain specified categories, produced or manufactured in Pakistan. This directive further supplements and amends but does not cancel the directives of June 30, 1969 and January 14, 1970.

Under the authorities referred to in the aforementioned directives of June 30, 1969 and January 14, 1970, and under the terms of those directives, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning July 1, 1969 and extending through June 30, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Pakistan, in excess of the following levels of restraint.²

The overall level of restraint for Categories 1 through 27, shall be 65,868,863 square yard equivalents. The overall level of restraint for Categories 28 through 64 shall be 9,376,762 square yard equivalents. There is attached to this directive a table containing the rates of conversion into square yard equivalents for Categories 1 through 4 and 28 through 64 which may be used in implementing this directive.

In carrying out this directive and the aforementioned directives of June 30, 1969 and January 14, 1970, cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Pakistan and exported from Pakistan prior to May 1, 1970 shall be charged against all applicable levels of restraint established for such goods by these directives. In the event that any level of restraint has been exhausted by previous entries such goods shall not be denied entry. It would be appreciated, however, if you would undertake, commencing as soon as possible, to obtain reports on cotton textiles and cotton textile products in Categories 1 through 64 by category, quantity and date of export for such goods which are entered for consumption or withdrawn from warehouse for consumption in excess of any level of restraint established by this directive or the directives of June 30, 1969 and January 14, 1970. Further instructions on the charging of these goods will be provided to you by letter from the Chairman of the Interagency Textile Administrative Committee.

² These levels have not been adjusted to reflect any entries made on or after July 1, 1969. As of March 31, 1970, the total square yard equivalents reported by Census in those categories of the group of Categories 1 through 27 which were not subject to levels of restraint under the directive of June 30, 1969 was 3,482,839 square yard equivalents and in those categories of the group of Categories 28 through 64 not subject to levels of restraint was 3,715,696 square yard equivalents.

Cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Pakistan and exported from Pakistan on or after May 1, 1970, shall be charged against all applicable levels of restraint established for such goods by this and the aforementioned directives. In the event that any level of restraint has been exhausted by previous entries, such goods shall be denied entry pending the receipt of further instructions thereon.

Cotton textile products, heretofore not subject to a level of restraint, which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

Attachment

Category Number	Description	Conversion factor	Unit of measure	Page
COTTON				
1.	Cotton yarn, carded, singles	4.6	Lb.	1
2.	Cotton yarn, carded, plied	4.6	Lb.	1
3.	Cotton yarn, combed, singles	4.6	Lb.	1
4.	Cotton yarn, combed, plied	4.6	Lb.	1
5.	Gingham, carded	1.0	Syd	1
6.	Gingham, combed	1.0	Syd	1
7.	Velveteen	1.0	Syd	1
8.	Corduroy	1.0	Syd	1
9.	Sheeting, carded	1.0	Syd	2
10.	Sheeting, combed	1.0	Syd	2
11.	Lawn, carded	1.0	Syd	3
12.	Lawn, combed	1.0	Syd	3
13.	Voile, carded	1.0	Syd	4
14.	Voile, combed	1.0	Syd	4
15.	Poplin and Broadcloth, carded	1.0	Syd	5
16.	Poplin and Broadcloth, combed	1.0	Syd	5
17.	Typewriter ribbon cloth	1.0	Syd	5
18.	Print cloth, shirting, type, 80x80 type, carded	1.0	Syd	5
19.	Print cloth, shirting, type, other than 80x80 type, carded	1.0	Syd	6
20.	Shirting, Jacquard or dobby, carded	1.0	Syd	6
21.	Shirting, Jacquard or dobby, combed	1.0	Syd	6
22.	Twill and sateen, carded	1.0	Syd	6-7
23.	Twill and sateen, combed	1.0	Syd	7-8
24.	Woven fabric, n.e.s., yarn-dyed, carded	1.0	Syd	8-9
25.	Woven fabric, n.e.s., yarn-dyed, combed	1.0	Syd	9
26.	Woven fabric, n.e.s., other, carded	1.0	Syd	9-13
27.	Woven fabric, n.e.s., other, combed	1.0	Syd	13-16
28.	Pillowcases, carded	1.084	No.	16
29.	Pillowcases, combed	1.084	No.	16
30.	Towels, dish	.348	No.	16
31.	Towels, other	.348	No.	16-17
32.	Handkerchiefs, whether or not in the piece	1.66	Doz	17-18
33.	Table damask and manufactures	3.17	Lb.	18
34.	Sheets, carded	6.2	No.	18
35.	Sheets, combed	6.2	No.	18
36.	Bedspreads and quilts	6.9	No.	18
37.	Braided and woven elastic	4.6	Lb.	19

Category Number	Description	Conversion factor	Unit of measure	Page
38.	Fishing nets and fish netting	4. 6	Lb.	19
39.	Gloves and mittens	3. 527	Dpr	19
40.	Hose and half hose	4. 6	Dpr	19
41.	T-shirts, all white, knit, men's and boys'	7. 234	Doz	19
42.	T-shirts, other knit	7. 234	Doz	19
43.	Shirts, knit, other than T-shirts and sweatshirts	7. 234	Doz	20
44.	Sweaters and cardigans	36. 8	Doz	20
45.	Shirts, dress, not knit, men's and boys'	22. 186	Doz	20
46.	Shirts, sport, not knit, men's and boys'	24. 457	Doz	20
47.	Shirts, work, not knit, men's and boys'	22. 186	Doz	21
48.	Raincoats, $\frac{3}{4}$ length or longer, not knit	50. 0	Doz	21
49.	Coats, other, not knit	32. 5	Doz	21-22
50.	Trousers, slacks, and shorts (outer), not knit, men's and boys'	17. 797	Doz	22
51.	Trousers, slacks and shorts (outer), not knit, women's, girls' and infants'	17. 797	Doz	23
52.	Blouses, not knit	14. 53	Doz	23
53.	Dresses (including uniforms), not knit	45. 3	Doz	23-24
54.	Playsuits, sunsuits, washsuits, creepers, rompers, etc., not knit, n.e.s.	25. 0	Doz	24
55.	Dressing gowns, including bathrobes and beachrobes, lounging gowns, housecoats, and dusters, not knit	51. 0	Doz	24-25
56.	Undershirts, knit, men's and boys'	9. 2	Doz	25
57.	Briefs and undershorts, men's and boys'	11. 25	Doz	25
58.	Drawers, shorts, and briefs, knit, n.e.s.	5. 0	Doz	26
59.	All other underwear, not knit	16. 0	Doz	26
60.	Pajamas and other nightwear	51. 96	Doz	27
61.	Brassieres and other body-supporting garments	4. 75	Doz	27
62.	Wearing apparel, knit, n.e.s.	4. 6	Lb.	27-29
63.	Wearing apparel, not knit, n.e.s.	4. 6	Lb.	29-30
64.	All other cotton textiles	4. 6	Lb.	30-35

(T.D. 70-142)

Synopses of Drawback decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., June 15, 1970.

The following are synopses of drawback rates and amendments issued March 11 to June 8, 1970, inclusive, pursuant to sections 22.1 and 22.5, inclusive, Customs Regulations; and approval under section 22.6, Customs Regulations.

(731.1)

ROBERT V. McINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(A) *Brushes and brush parts.*—Manufactured under section 1313(b) by Osborn Mfg. Co., Cleveland, Ohio, at its Cleveland, Ohio and Henderson, Ky., factories with the use of steel wire.

Rate effective on articles manufactured and exported on and after June 23, 1969.

Manufacturer's statement of December 3, 1969, forwarded to regional commissioner of customs, New York, N.Y., April 20, 1970.

(B) *Chassis and bogies (wheels and suspensions); containers and trailers; dollies; rail car components; truck bodies.*—Manufactured under section 1313(b) by Strick Corp., Fairless Hills, Pa., with the use of steel, aluminum, copper, wood, plywood, and rubber products.

Rate effective on articles manufactured on and after March 23, 1965, and exported on and after March 23, 1967.

Manufacturer's statements of October 19, 1967, May 16, 1969, and that of January 27, 1970, revised on April 7, 1970, forwarded to regional commissioner of customs, Baltimore, Md., April 27, 1970.

(C) *Chemical mixtures.*—Manufactured under section 1313(b) by The Dow Chemical Co., Midland, Mich., at its Freeport, Tex.; Bayonne, N.J.; San Pedro, Calif.; and Chicago, Ill., factories with the use of trichloroethylene.

Rate effective on articles manufactured on and after July 1, 1966, and exported on and after July 21, 1966.

Manufacturer's statements of December 10, 1968, and May 5, 1969, forwarded to regional commissioner of customs, Chicago, Ill., June 8, 1970.

(D) *Gantrez AN*.—T.D. 55580-I, as amended by T.D.'s 56082-A, 69-160-E, and 70-12-B, covering, among other things, chemical intermediates and finished chemical products manufactured under section 1313(b) by GAF Corp., New York, N.Y., at its Calvert City, Ky., factory with the use of butyrolactone, further *amended* to cover Gantrez AN manufactured under section 1313(b) by the above company at its Calvert City, Ky., factory with the use of maleic anhydride.

Amendment effective on articles manufactured on and after September 23, 1969, and exported on and after October 1, 1969.

Manufacturer's supplemental statement of March 31, 1970, forwarded to regional commissioner of customs, New Orleans, La., June 2, 1970.

(E) *Garlic products, dehydrated*.—Manufactured under section 1313(b) by Basic Vegetable Products, Inc., Vacaville, Calif., at its Vacaville and King City, Calif., factories, with the use of dehydrated garlic and raw garlic.

Rate effective on articles manufactured on and after April 1, 1968, and exported on and after December 13, 1968.

Manufacturer's statement of April 2, 1970, forwarded to regional commissioner of customs, Los Angeles, Calif., June 2, 1970.

(F) *Opium products; medicinal preparations and flavoring extracts; drugs and chemicals; and corn salad oil*.—T.D. 35907, as extended and amended, covering, among other things, opium products manufactured under section 1313(a) by S. B. Penick & Co., New York, N.Y., at its Brooklyn, N.Y., and Newark, N.J., factories with the use of imported opium; T.D. 43383-F, covering botanical drugs manufactured under section 1313(a) by the company at its Weehawken, N.J., factory with the use of imported crude botanical drugs; and T.D. 52090-A, as amended, covering, among other things, granular, fine granular (coarse powder), and powdered agar agar, manufactured under section 1313(a) by the company at its Lyndhurst, Jersey City, and Montville, N.J., factories with the use of imported crude agar agar, further *amended* (1) to cover such products manufactured at the said factories by S. B. Penick & Co., Div. of Corn Products Co., New York, N.Y., successor; the foregoing Treasury decisions, and T.D. 50287-D, as amended and extended, covering medicinal preparations and flavoring extracts, manufactured under section 1313(d) by S. B. Penick & Co., Div. of Corn Products Co., New York, N.Y., at its Lyndhurst, Jersey City, and Newark, N.J., factories with the use of domestic tax-paid alcohol, further *amended* (2) to cover a change in name of the company to Corn Products Co.; and, all of the aforesaid Treasury decisions, and T.D. 55616-N, covering corn salad oil manufactured under section 1313(b) by Corn Products Co., New York, N.Y., at its

Bayonne, N.J., and Argo, Ill., factories with the use of crude oil, further *amended* (3) to cover a change in name of the company to CPC International Inc.

Amendment effective on articles covered by amendment (1), above, which are exported on and after January 16, 1968, date of succession, and on the articles covered by amendments (2) and (3), above, which are exported on and after April 23, 1969, date of change in name.

Amendment issued by regional commissioner of customs, New York, N.Y., March 11, 1970.

(G) *Orange juice, frozen concentrated; and single strength.*—Manufactured under section 1313(b) by Plymouth Citrus Products Cooperative, Plymouth, Fla., with the use of frozen concentrated orange juice in bulk.

Rate effective on articles manufactured and exported on and after May 21, 1969.

Manufacturer's statement of October 13, 1969, forwarded to regional commissioner of customs, Miami, Fla., April 28, 1970.

(H) *Syrups, dessert preparations, and baking mixes.*—Manufactured under section 1313(b) by Langlois Flour Co., Los Angeles, Calif., with the use of hard or liquid refined sugar, and liquid invert refined sugar.

Rate effective on articles manufactured on and after June 1, 1969, and exported on and after July 3, 1969.

Manufacturer's statement of October 14, 1969, forwarded to regional commissioners of customs, San Francisco, and Los Angeles, Calif., April 20, 1970.

(I) *Utensils, stainless steel, hospital, restaurant, and clinical; stainless steel sinks.*—T.D. 56406-Q, covering stainless steel hospital, restaurant, and clinical utensils and stainless steel sinks manufactured under section 1313(b) by Polar Ware Co., Sheboygan, Wis., with the use of stainless steel in coils, *amended* to cover the foregoing articles manufactured with the use of stainless steel sheet and strip in coils or in the flat.

Amendment effective on articles manufactured on and after April 10, 1962, and exported on and after June 17, 1963.

Manufacturer's supplemental statement of February 6, 1970, forwarded to regional commissioner of customs, Chicago, Ill., April 15, 1970.

Approval under section 22.6, Customs Regulations

(1) *Petroleum products.*—T.D. 66-110(2), covering petroleum products manufactured under section 1313(b) by Humble Oil & Refining Co., Houston, Texas, at its various refineries with the use of crude

petroleum or petroleum derivatives, *amended* to cover such products manufactured at an additional refinery at Benicia, Calif.

Amendment effective on articles manufactured on and after January 3, 1969, and exported on and after July 1, 1969.

Supplemental statement of June 5, 1969, forwarded to regional commissioner of customs, Houston, Tex., May 27, 1970.

(T.D. 70-143)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., June 18, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.

(133.121)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

CUSTOMHOUSE BROKERS

T.D. 70-143(1) *Responsibility of customhouse brokers for making payments for duties and/or taxes.*—Under section 31.29 of the Customs Regulations a customhouse broker who is the importer of record cannot postpone or delay payment of increased duties and/or taxes on the ground that he has not received payment for same from his client. When a broker files an entry as importer of record he directly assumes responsibility for making payment for duties and/or taxes assessed in connection therewith with due diligence; i.e., within 30 days of due date. If the actual importer and not the broker is the importer of record, the payment of duties and/or taxes is the responsibility of the actual importer and no sanctions can be imposed upon the broker who filed the entry for the payment of same unless the broker has received funds from the actual importer for payment of sums owing to the Government. In such a case such funds must be paid over to the Government within 30 days from date of receipt or date due, whichever is later. Bureau letter dated May 4, 1970. (121)

MARKING

T.D. 70-143(2) *Couplings, hose.*—Hose couplings of malleable iron imported in cast condition, processed by drilling two small safety pin holes, threading, and cadmium plating, and assembled with a rub-

ber gasket, are required to be marked to indicate the country of origin to the purchasers of the finished couplings. Such malleable iron couplings are not excepted from marking under the exception for "Pipes, iron or steel, and pipe fittings of cast or malleable iron" authorized pursuant to 19 U.S.C. 1304(a)(3)(J). Bureau letter dated May 18, 1970. (363.2)

T.D. 70-143(3) *Shackle bolts.*—Shackle bolts used in the manufacture of automotive springs, which have the center of the head threaded to receive a lubricating fitting and the body of the bolt hollow for about one-half its length to permit lubricating material to run down from the fitting and out through a small hole, are not considered to be excepted from marking under the exception for "Bolts, nuts, and washers" provided pursuant to 19 U.S.C. 1304(a)(3)(J). Such articles are required to be marked unless excepted under another provision of 19 U.S.C. 1304. Bureau letter dated May 25, 1970. (363.2)

TARIFF CLASSIFICATION

T.D. 70-143(4) *Articles for preparing, serving, or storing food or beverages, or food or beverage ingredients. Styrofoam cups, disposable.*—Disposable styrofoam cups, in 6-ounce, 8-ounce, and 10-ounce sizes, with their lids, classifiable under the provision for other articles chiefly used for serving beverages, of plastics, in *item 772.15*, TSUS, and not under the provision for articles chiefly used for serving beverages, of plastics, cups, in *item 772.06*, TSUS, as these cups are not the type of cups used during the service of a meal. C.D. 3880, noted, T.D. 56462(7), modified. Bureau letter dated May 27, 1970. (418.44)

T.D. 70-143(5) *Articles, nspf, of plastics. Warning flags.*—Orange colored warning flags of rectangular vinyl plastic material measuring 12 inches by 12 inches with open hems heat sealed along one side, classifiable under the provision for articles, nspf, of plastics, in *item 774.60*, TSUS. Bureau letter dated June 3, 1970. (418.44)

T.D. 70-143(6) *Articles, nspf, wholly or almost wholly of reinforced plastics. Vacuum extractor, portable.*—Portable vacuum extractors which contain no moving parts and operate on compressed air to meet certain commercial and industrial fume exhaust requirements, and which are constructed of two pieces of molded fiberglass bolted together, classifiable under the provision for articles, nspf, wholly or almost wholly of reinforced plastics, in *item 770.10*, TSUS. Bureau letter dated May 22, 1970. (431)

T.D. 70-143(7) *Articles of iron or steel. Twine cutter.*—A twine cutter consisting of a steel housing containing a removable blade, designed to be mounted on a wall or table and used to cut twine, classi-

fiable under the provision for articles of iron or steel in *item 657.20*, TSUS. Bureau letter dated June 10, 1970. (424.1)

T.D. 70-143(8) *Articles of iron or steel, not coated or plated with precious metal. Mounting rails and plates.*—Rails and plates designed for attachment to structural members and for the mounting of clips which hold pipes in place, classifiable under the provision for articles of iron or steel, not coated or plated with precious metal, in *item 657.20*, TSUS. Bureau letter dated May 22, 1970. (423.22)

T.D. 70-143(9) *Articles of plastics, nspf. Pipe clips.*—Pipe clips of polypropylene-type plastic for holding pipe in industrial installations in place, and which are mounted on steel rails or plates, are classifiable, together with mounting screws and nuts, under the provision for articles of plastics, nspf, in *item 774.60*, TSUS. Bureau letter dated May 22, 1970. (423.22)

T.D. 70-143(10) *Articles of textile materials, nspf. Plastic laundry bags.*—Plastic laundry bags, 17 inches long and 13 inches wide, used as a holder for women's garments during laundry cycle, consisting of tubular man-made filament plastics of machine net construction, not over 0.06-inch in maximum cross-section, classifiable under the provision for articles of textile materials, nspf, of net construction, in *item 386.08*, TSUS. *Headnotes 3(b), Subpart E, Part 1, and 2(a) (i), Schedule 3*, noted. Bureau letter dated May 21, 1970. (418.44)

T.D. 70-143(11) *Beads, not strong and not set. Spacers.*—Brass spacers in "Torse" or twist pattern, in various sizes, including spacers 3 mm. in outside diameter, and capable of being strung, classifiable under the provision for beads, not strung and not set, in *item 741.30*, TSUS. Bureau letter dated May 28, 1970. (426.32)

T.D. 70-143(12) *Coated or filled fabrics.*—A woven fabric of man-made fibers laminated to a sheet of polyvinyl chloride plastic and weighing not over 44 ounces per square yard, is classifiable under the provision for woven fabrics of man-made fibers, laminated with plastics, in *item 355.81 or 355.82*, TSUS, according to the weight of the plastic. Bureau letter dated June 2, 1970. (465.201)

T.D. 70-143(13) *Coated or filled fabrics. Rubber products, nspf. Industrial aprons.*—A woven fabric of man-made fibers, coated or filled on both sides with a synthetic rubber material, weighing not over 44 ounces per square yard, and used in the manufacture of industrial aprons, is classifiable under the provision for woven fabrics or textile materials, coated or filled with rubber or plastics material, of man-made fibers, in *item 355.81 or 355.82*, TSUS, according to the percentage by weight of rubber or plastics. Industrial aprons of the

described material, in chief value of the rubber coating, are classifiable under the provision for wearing apparel, nspf, of rubber or plastics, in *item 772.30*, TSUS. Bureau letter dated May 27, 1970. (465.201)

T.D. 70-143(14) *Dolls. Tumbling clown, electric.*—A tumbling clown character doll measuring 8½ inches tall, operated by means of a 33-inch electrical wire running to a plastic combination battery and control box constructed to hold three "C" type batteries, classifiable under the provision for dolls in *item 737.20*, TSUS. C.D. 2959, noted and followed. Bureau letter dated June 2, 1970. (492.1)

T.D. 70-143(15) *Electrical articles, and electrical parts of articles, nspf. Electroplating equipment, portable.*—Portable electroplating equipment for use by institutions and jewelers for plating small objects, and consisting of 13 separate components, including a rectifier, tanks, anodes, and an incidental mechanism for moving articles to be plated, classifiable as an entirety under the provision for electrical articles, and electrical parts of articles, nspf, in *item 688.40*, TSUS. Bureau letter dated June 3, 1970. (431)

T.D. 70-143(16) *Electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus. Apnoea monitor.*—Apnoea-alarm, a ten-compartment air mattress, each compartment of which is connected to a multiway manifold containing a heated thermistor which is attached to a monitor unit, used to monitor the respiratory movements of premature infants, classifiable under the provision for electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus, in *item 712.49*, TSUS. Bureau letter dated May 25, 1970. (431)

T.D. 70-143(17) *Engines, internal combustion.*—Engine designed for a tractor suitable for agricultural use not entitled to free entry under *item 660.40*, TSUS, which provides for piston-type engines to be installed in tractors of a type provided for in *item 692.30*, TSUS, because said engine was intended at the time of importation for testing. Classification under *item 660.42*, TSUS, deemed proper, following T.D. 56490(58). Bureau letter dated May 27, 1970. (434.1)

T.D. 70-143(18) *Explosives. Nitroguanidine.*—Nitroguanidine (Pierite) is classifiable under the provision for explosive substances nspf in *item 485.50*, TSUS. Bureau letter dated June 3, 1970. (415.6)

T.D. 70-143(19) *Filaments, monofilaments. Sarlane, spandex.*—Man-made fibers, composed of polyurethane extruded into parallel filaments "bonded" together in continuous form, produced without twist and valued over 80 cents per pound, are classifiable under the

provision for monofilaments in *item 309.06*, TSUS. Bureau letter dated May 25, 1970. (474.511)

T.D. 70-143(20) Floor coverings.—Floor matting consisting of a top layer of vinyl, resin filler, burlap, and bottom layer of polyurethane foam to prevent slipping, available in rolls 25 yards long and 27 and 36 inches wide, chiefly used as a floor covering, classifiable under the provision for floor coverings, nspf, in *item 728.25*, TSUS, in view of *Headnote 5 of Schedule 3*, TSUS, and not under the provision for other floor coverings, nspf, of textile materials, in *item 361.56*, TSUS. Bureau letter dated June 2, 1970. (475.24)

T.D. 70-143(21) Fuel injection pumps for compression-ignition engines, and parts thereof. Needle valve tip assembly.—Needle valve tip assembly, a replacement part for the "General Motors" type fuel injection system for a diesel engine, classifiable under the provision for parts of fuel injection pumps for compression-ignition engines, in *item 660.92*, TSUS. Bureau letter dated May 27, 1970. (434.6)

T.D. 70-143(22) Furniture, and parts thereof, nspf, in chief value of wood. Mattresses.—Ensembles of mattresses and matching "boxes" in chief value of wood, with legs, are imported with or without headboards also in chief value of wood. If the boxes are box springs usable in conventional bedsteads or on conventional frames, and the legs supplied are merely an optional means of support, classifiable under the provision for other parts of furniture, in *item 727.40*, TSUS. Boxes, if specially constructed for use with legs supplied, and headboards, classifiable under the provision for furniture, nspf, of wood, other than chairs, in *item 727.35*, TSUS. Mattresses classifiable under the provision for mattresses, fitted with springs, stuffed, or both, in *item 727.80*, TSUS. Bureau letter dated June 11, 1970. (481.35)

T.D. 70-143(23) Handkerchiefs.—Cotton-woven, white handkerchiefs with a single-stitched machine-embroidered dot in one corner are not considered ornamented, since in order to constitute an embroidery, there must be at least two stitches or kinds of stitches made in pursuance of a design for the purpose of ornamentation. Such handkerchiefs are classifiable under the provision for other handkerchiefs, not ornamented, of cotton, hemmed or hemstitched, over 70s average yarn number, in *item 370.68*, TSUS. CIE 526/56, noted. Bureau letter dated June 2, 1970. (471.34)

T.D. 70-143(24) Inorganic compounds. Gallium phosphide.—Gallium phosphide, a binary compound of gallium and phosphorous in polycrystalline form, is classifiable under the provision for other inorganic compounds in *item 423.00*, TSUS. Bureau letter dated May 21, 1970. (417.2)

T.D. 70-143(25) *Jewelry and other articles of personal adornment. Tariff entirety. Character doll with key chain attached.*—Small rubber Eskimo character doll attached to key chain, not a tariff entirety, but classifiable separately. The character doll under the provision for dolls, in *item 737.20*, TSUS, the base metal key chain under the provision for jewelry and other articles of personal adornment, in *item 740.30 or 740.38*, TSUS, according to value. Bureau letter dated June 2, 1970. (473.4)

T.D. 70-143(26) *Machinery parts not containing electrical features, nspf. Vibration dampeners.*—Boots in the form of ring-like shapes, made of rubber, and designed to fit over ball bearings in order to protect such bearings from damage due to their vibration, which constitute parts of machines or machinery in which installed but not parts of any particular machine or machinery, classifiable under the provision for machinery parts not containing electrical features and nspf, in *item 680.90*, TSUS. Bureau letter dated June 4, 1970. (465.221)

T.D. 70-143(27) *Machines, nspf. Micromanipulators.*—Micromanipulators, used for moving or manipulating specimens while they are being viewed under a microscope, classifiable under the provision for machines, nspf, in *item 678.50*, TSUS. Bureau letter dated May 27, 1970. (443.58)

T.D. 70-143(28) *Metal products, nspf. Money clip, part.*—Metal money clips, used as parts of cowhide folding money holders, made of a brass-plated coil base, a brass snap handle, and a molded nylon spring-loaded piece, classifiable as a metal product, nspf, in *item 657.20*, TSUS, if steel predominates by weight; and in *item 657.35*, TSUS, if brass predominates by weight. Bureau letter dated June 8, 1970. (455.53)

T.D. 70-143(29) *Solid-state (tubeless) radio receiver. FM tuner.*—FM tuner, consisting of an RF amplifier, a converter, one IF amplifier and an oscillator, contains all of the essential components required for the basic operating portion of an unfinished radio, classifiable under the provision for solid-state radio receivers, in *item 685.23*, TSUS. Provisions of *General Headnote 10(h)*, noted. Bureau letter dated May 25, 1970. (431.51)

T.D. 70-143(30) *Solid-state radio receivers. Globe-radio combination.*—Radio receivers encased in illuminated globes of the moon, with the dial, controls, and speakers preventing printing of a full map of the moon on the globe, classifiable as entirety under the provision for solid-state radio receivers, in *item 685.23*, TSUS. Bureau letter dated May 25, 1970. (431.51)

T.D. 70-143(31) *Wearing apparel. Diapers.*—A bleached, woven cotton cloth, approximately 30 inches square, with two ¼-inch hemmed edges and two selvages, and chiefly used as a diaper, is classifiable under the provision for other infants' wearing apparel, not ornamented, not knit, of cotton, in *item 382.33*, TSUS. Bureau letter dated June 4, 1970. (471.313)

T.D. 70-143(32) *Wearing apparel, of rubber, nspf. Rubber soles.*—Resin rubber unit soles for direct application to footwear, are classifiable under the provision for rubber wearing apparel, nspf, in *item 772.30*, TSUS. Bureau letter dated June 2, 1970. (465.201)

UNACCOMPANIED BAGGAGE

T.D. 70-143(33) *Baggage of passenger debarking from foreign vessel at one United States port carried unaccompanied to another United States port.*—Baggage not unladen from a foreign vessel at the United States port where the passenger himself disembarks may be transported unaccompanied to a second United States port designated by the passenger without violating the coastwise laws (*46 U.S.C. 883*). Such unaccompanied baggage, and any marks or addresses listed thereon for identification, must be listed on the last sheet of the passengers manifest under the caption "Unaccompanied Baggage." While the unaccompanied baggage could be cleared at the second domestic port as goods "... imported by or for the account of a returning resident . . .," *item 813.10*, TSUS, exemptions applicable to articles of returning residents could not be granted at the second domestic port since the baggage would not be "... accompanying such person . . ." within the meaning of *item 813.30*, TSUS. If the baggage were unladen at a domestic port and inspected and cleared by Customs, its subsequent transportation to a second domestic port by the foreign vessel would be in violation of *section 883* and the baggage would be subject to forfeiture when unladen. However, baggage merely placed on the pier in connection with lading or unlading operations and reloaded aboard the foreign vessel on the same voyage without having been removed from the pier would not be considered as having been landed within the meaning of *section 883* and its transportation to a second domestic port would not be in violation of that section. Bureau letter dated March 31, 1970. (216.131)

(T.D. 70-144)

Bonds

Approval and discontinuance of bonds on Customs Form 7587 for the control of instruments of international traffic of a kind specified in section 10.41a of the Customs Regulations

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., June 22, 1970.

Bonds on Customs Form 7587 for the control of instruments of international traffic of a kind specified in section 10.41a of the Customs Regulations have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at end of list.

Name of principal and surety	Date of bond	Date of approval	Filed with regional commissioner/ district director; amount
Brandtship Int'l, Inc., 52 Broadway, New York, N.Y.; St. Paul Fire & Marine Ins. Co.	May 22, 1970	May 26, 1970	New York, N.Y.; \$10,000
The Carborundum Co., P.O. Box 337, Niagara Falls, N.Y.; Ins. Co. of North America	Jan. 27, 1970	Mar. 16, 1970	Buffalo, N.Y.; \$10,000
Compania-Anonima De Navegacion (Venezuela Corp.), 25 Broadway, New York, N.Y.; St. Paul & Marine Ins. Co.	Mar. 31, 1970	Apr. 6, 1970	New York, N.Y.; \$10,000
Consolidated Truck Lines, Ltd., 775 The Queensway, Toronto, Ont., Can.; The Aetna Casualty & Surety Co. D 5-27-70	May 27, 1968	June 27, 1968	Buffalo, N.Y.; \$10,000
Eastern Chartering Co., a Div. of Consolidated Dock & Storage Co., 1400 E. Anaheim St., Wilmington, Calif.; St. Paul Fire & Marine Ins. Co. D 4-30-70	May 1, 1969	May 8, 1969	Los Angeles, Calif.; \$10,000
Fairchild Hiller Corp., P. O. Box 770, Hagerstown, Md.; Federal Ins. Co. D 3-36-70	Feb. 1, 1965	Feb. 11, 1965	Baltimore, Md.; \$10,000
Georgia Steamship Corp., P. O. Box 909, Augusta, Ga.; Federal Ins. Co.	May 5, 1970	May 12, 1970	Savannah, Ga.; \$10,000
Italia Societa Per Azione Di Navigazione, One White Hall St., New York, N. Y.; Federal Ins. Co. PB(4-22-63) D 4-22-70 ¹	Apr. 22, 1970	Apr. 23, 1970	New York, N. Y.; \$10,000
Moller Steamship Co., Inc., 67 Broad St., New York, N. Y.; Federal Ins. Co. PB(5-21-63) D 5-11-70 ²	May 11, 1970	May 11, 1970	New York, N. Y.; \$10,000
Northwest Airlines, Inc., Minn.-St. Paul Int'l Airport, St. Paul, Minn.; Federal Ins. Co. D 5-11-70	May 11, 1964	May 18, 1964	Seattle, Wash.; \$10,000
Patterson Wyde & Co., Inc., 156 State St., Boston, Mass.; Peerless Ins. Co.	Apr. 1, 1970	Apr. 1, 1970	Boston, Mass. \$10,000

See footnotes at end of table.

Name of principal and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
Popper Morson Corp., 48-52 Essex St., Jersey City, N. J.; St. Paul Fire & Marine Ins. Co. D 4-10-70	Apr. 4, 1967	Apr. 4, 1967	New York, N. Y.; \$10,000
Premium Brands Inc. dba Premium Products, 1125 Shafter Ave., San Francisco, Calif.; St. Paul Fire & Marine Ins. Co.	May 25, 1970	May 25, 1970	San Francisco, Calif.; \$10,000
Smyth Int'l Van Lines, Inc., 11614 Aurora N., Seattle, Wash.; General Ins. Co. of America D 5-28-70	May 9, 1960	June 1, 1960	Seattle, Wash.; \$10,000
Thule Ship Agency, Inc., 2 Broadway, New York, N.Y.; Federal Ins. Co.	Mar. 31, 1970	Apr. 1, 1970	New York, N.Y.; \$10,000
Transportadora Maritima Venezolana S. A., Pier 2, North River, New York, N.Y.; St. Paul Fire & Marine Ins. Co. D 4-20-70	Mar. 15, 1967	Mar. 16, 1967	New York, N.Y.; \$10,000
United Buckingham Freight Lines, 3300 Sixth Ave. S., Seattle, Wash.; U.S. Fidelity & Guaranty Co. D 5-27-70	June 24, 1963	June 25, 1963	Seattle, Wash.; \$10,000
Welland Chemical Int'l Ltd., 17 Battery Pl., New York, N.Y.; Hartford Accident & Indemnity Co. D 4-21-70	Feb. 7, 1966	Mar. 16, 1966	Buffalo, N.Y.; \$10,000

¹ Surety is St. Paul Mercury Ins. Co.² Surety is St. Paul Mercury Ins. Co.

(542.113)

ROBERT V. McINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(T.D. 70-145)

Cotton textiles—Restriction on entry

Restriction on entry of certain cotton textiles manufactured or produced in Brazil

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., June 22, 1970.

There is published below the directive of June 5, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the United States of cotton textiles in category 26 (duck only), manufactured or produced in Brazil.

This directive was published in the Federal Register on June 13,

1970 (35 F.R. 9298), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

June 5, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective June 9, 1970, and for the twelve-month period extending through June 8, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles in Category 26 (duck only)¹ produced or manufactured in Brazil, in excess of a level of restraint of 1,823,260 square yards.

This directive also amends the directive of June 9, 1969, establishing levels of restraint for the entry into the United States for consumption and the withdrawal from warehouse for consumption of cotton textiles in Category 26 (duck only) produced or manufactured in Brazil for the twelve-month period beginning June 9, 1969 and extending through June 8, 1970. Under the authorities referred to in the aforementioned directive of June 9, 1969, and under the terms of that directive you are directed to permit, effective as soon as possible, and for the period extending through June 8, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Category 26 (duck only) in excess of the level of restraint established by the directive of June 9, 1969 for the

¹ Only T.S.U.S.A. Nos.:

320.—01 through 04, 06, 08

321.—01 through 04, 06, 08

322.—01 through 04, 06, 08

326.—01 through 04, 06, 08

327.—01 through 04, 06, 08

328.—01 through 04, 06, 08

period extending from June 9, 1969 through June 8, 1970.² Cotton textiles entered for consumption or withdrawn from warehouse for consumption under the authority of this paragraph shall be charged against the level of restraint established by this directive for the period beginning June 9, 1970 and extending through June 8, 1971.

A detailed description of Category 26 (duck only) in terms of T.S.U.S.A. Numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-146)

Ports of entry—Customs Regulations amended

Changes in the Customs Field Organization—Section 1.2(c), Customs Regulations, amended

TREASURY DEPARTMENT,
Washington, D.C., June 22, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART I—GENERAL PROVISIONS

Notice of proposal to designate Little Rock-North Little Rock, Arkansas, as a port of entry in the Customs district of New Orleans,

² As of May 1, 1970, that level of restraint had been exhausted by entries.

Louisiana (Region V), was published in the Federal Register on May 28, 1970 (35 F.R. 8368). The proposal was based upon the need to provide better Customs service in the New Orleans, Louisiana, district. No objections to the proposal were received.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), Little Rock-North Little Rock, Arkansas, is hereby designated a port of entry in the New Orleans, Louisiana, district (Region V), effective as of July 1, 1970.

The area of the port of Little Rock-North Little Rock is described as follows:

All the area within the boundaries of Pulaski and Saline counties, Arkansas.

To reflect this change, section 1.2(c) of the Customs Regulations is amended by inserting in the column headed "Ports of Entry" in the New Orleans, Louisiana, Customs district (Region V) in proper alphabetical order "Little Rock-North Little Rock, Arkansas (including territory described in T.D. 70-146)."

(80 Stat. 379, section 1, 37 Stat. 434, section 1, 38 Stat. 623, as amended, R.S. 251, section 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624.)

It is desirable to make the Customs port of entry available to the public as soon as possible. Therefore, good cause is found for dispensing with the delayed effective date provision of 5 U.S.C. 553(d).

(192-20.1)

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register June 30, 1970 (35 F.R. 10585)]

(T.D. 70-147)

*Special tonnage tax and light money—Kenya—Customs Regulations
amended*

Foreign discriminating duties of tonnage and impost with respect to vessels of and certain imports from Kenya suspended and discontinued; section 4.22, Customs Regulations, amended

TREASURY DEPARTMENT,
Washington, D.C., June 22, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

The Secretary of State advised the Secretary of the Treasury on May 20, 1970, that the Department of State has obtained satisfactory proof from Kenya that as of April 27, 1970, no discriminating duties of tonnage or imposts are imposed or levied in ports of Kenya upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Kenya in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of Kenya, and the produce, manufactures, or merchandise imported into the United States in such vessels from Kenya or from any other foreign country. This suspension and discontinuance shall take effect as of April 27, 1970, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, section 4.22, Customs Regulations, is amended by the insertion of "Kenya" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141.)
(214.1)

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register June 30, 1970 (35 F.R. 10586)]

(T.D. 70-148)

Ports of entry—Customs Regulations amended

Changes in the Customs Field Organization—Section 1.2(c), Customs Regulations, amended

TREASURY DEPARTMENT,
Washington, D.C., June 22, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART I—GENERAL PROVISIONS

Notice of proposal to designate Greenville-Spartanburg, South Carolina, as a port of entry in the Customs district of Charleston, South Carolina (Region IV), was published in the Federal Register on May 28, 1970 (35 F.R. 8368). The proposal was based upon the need to provide better Customs service in the Charleston, South Carolina, district. No objections to the proposal were received.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), Greenville-Spartanburg, South Carolina, is hereby designated a port of entry in the Charleston, South Carolina, Customs district (Region IV), effective as of July 1, 1970.

The area of the port of Greenville-Spartanburg, South Carolina, is described as follows:

Beginning at a point on the Greenville-Spartanburg County Line on South Carolina Route 296; thence continuing on S.C. 296 northeasterly to S.C. 295; thence turning southerly and continuing on S.C. 56; thence turning northerly and continuing on S.C. 56 to the boundary of the City of Spartanburg; thence turning northeasterly and continuing in a northerly direction following the

eastern boundary line of the City of Spartanburg to Drayton Street; thence turning northwesterly and continuing on Drayton Street to S.C. 31; thence turning northeasterly and continuing on S.C. 31 to the Clinchfield Railroad tracks; thence turning northeasterly continuing on the Clinchfield Railroad to Interstate 85; thence turning southwesterly and continuing on Interstate 85 to U.S. 176; thence turning northwesterly and continuing on U.S. 176 to State Route 60; thence turning westerly and continuing on State Route 60 to State Route 41; thence turning southerly and continuing on State Route 41 to Interstate 85; thence turning westerly and continuing on Interstate 85 to U.S. 29; thence turning westerly and continuing on U.S. 29 to S.C. 21; thence in a westerly direction along S.C. 21, to its intersection with S.C. 291. Thence in a northwesterly direction along S.C. 291, to S.C. 253; thence in a westerly and southwesterly direction along S.C. 253 to S.C. 250. Thence in a southerly direction and southeasterly direction along S.C. 250, to U.S. 25; thence in a southerly direction along U.S. 25, to Ashmore Branch Road. Thence in an easterly direction along Ashmore Branch Road to Fork Shoals Road; thence in a northerly direction along Fork Shoals Road, to Ashmore Bridge Road; thence in an easterly direction along Ashmore Bridge Road, to the corporate limits of the town of Mauldin. Thence in an easterly and southeasterly direction paralleling the corporate limits of the town of Mauldin to Bethel Church Road. Thence continuing in a northeasterly direction along Bethel Church Road to S.C. 14. Thence in a northerly direction along S.C. 14 to S.C. 296, thence in an easterly direction along S.C. 296, to the Greenville-Spartanburg County Line.

To reflect this change, section 1.2(c) of the Customs Regulations is amended by inserting in the column headed "Ports of Entry" in the Charleston, South Carolina, Customs district (Region IV) in proper alphabetical order "Greenville-Spartanburg, South Carolina (including territory described in (T.D. 70-148)."

(80 Stat. 379, section 1, 37 Stat. 434, section 1, 38 Stat. 623, as amended, R.S. 251, section 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624.)

It is desirable to make the Customs port of entry available to the public as soon as possible. Therefore, good cause is found for dispensing with the delayed effective date provision of 5 U.S.C. 553(d). (192-16.1) .

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register June 30, 1970 (35 F.R. 10586)]

(T.D. 70-149)

Country of origin marking

Vinyl-clad chain link fencing

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

There was published in the Federal Register for October 1, 1969 (34 F.R. 15313), a notice of withdrawal of a tentative ruling published in the Federal Register for July 10, 1969 (34 F.R. 11427), which would have required vinyl-clad chain link fencing imported into the United States to be marked to indicate the country of origin at intervals of approximately 10 feet of length of rolled fencing, by impressing the marking on the vinyl covering or by the use of pressure sensitive or other securely applied adhesive labels. The notice of tentative ruling was withdrawn in the belief that a tag securely affixed to the leading end of each roll of standard 50-foot or 100-foot length of fencing would be sufficient to indicate the country of origin to the ultimate purchasers of the fencing.

However, further investigation of this matter has disclosed instances where tags indicating the country of origin of imported vinyl-clad chain link fencing have been removed at the importers' premises prior to installation of the fencing, and ultimate purchasers in the United States have been misled with respect to the country of origin of fencing purchased by them. Accordingly, the Bureau has concluded that tags affixed only to the ends of rolls of vinyl-clad chain link fencing are not an acceptable means of marking such fencing to indicate the country of origin.

Comments submitted to the Bureau in response to the notice of tentative ruling published in the Federal Register for July 10, 1969 (34 F.R. 11427), indicated that it was feasible to impress the country of origin into the vinyl covering of the wire at intervals of from approximately 10 to 24 inches during the course of manufacture, so that the marking would appear at frequent intervals on the fencing fabricated from the wire. The marking may also be printed on the wire in a contrasting color so that it appears on the fencing at frequent intervals.

Accordingly, either of these methods will be considered an acceptable method of marking vinyl-clad chain link fencing to indicate the country of origin for purposes of 19 U.S.C. 1304. Other forms of marking may also be acceptable if they are sufficiently legible, conspicuous, and permanent. Rulings in specific cases are obtainable through the office of the District Director of Customs concerned or through this office.

This ruling shall become effective as to merchandise entered, or withdrawn from warehouse, for consumption on or after the 91st day after publication in the Federal Register.

(363.2)

EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved June 19, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register June 30, 1970 (35 F.R. 10599)]

(T.D. 70-150)

Antidumping—Customs Regulations amended

Section 153.23(c)(2), relating to information ordinarily regarded as appropriate for disclosure, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 153—ANTIDUMPING

In order to eliminate any possible ambiguity between section 153.23(c)(2), Customs Regulations, which states that, in an antidumping proceeding, information will ordinarily be regarded as appropriate for disclosure if it relates to price information, and section 153.23(c)(3), which states that information which would disclose the names of particular customers or the price or prices at which particular sales were made is ordinarily regarded as confidential, section 153.23(c)(2) is amended to read as follows:

- (2) *Information ordinarily regarded as appropriate for disclosure.* Except as provided in section 153.23(c)(3), information will ordinarily be regarded as appropriate for disclosure if it
- (i) Relates to price information;
 - (ii) Relates to claimed freely available price allowances for quantity purchases; or
 - (iii) Relates to claimed differences in circumstances of sale.
- (Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

Effective Date: This amendment shall become effective on the date of its publication in the Federal Register.

(643.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved June 24, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register June 30, 1970 (35 F.R. 10586)]

(T.D. 70-151)

Bonds

Approval and discontinuance of consolidated aircraft bonds (air carrier blanket bonds), Customs Form 7605

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., June 26, 1970.

The following consolidated aircraft bonds have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the surety was different on the previous bond, the information is shown in a footnote at end of list.

Name of principal and surety	Date of bond	Date of approval	Filed with district director of customs; amount
The Flying Tiger Line, Inc., 7401 World Way West, Los Angeles Int'l Airport, Los Angeles, Calif.; Federal Ins. Co. PB(7-1-67) D 6-30-70 ¹	May 25, 1970	June 15, 1970	Los Angeles, Calif.; \$100,000

¹ Surety is Royal Indemnity Co.

The foregoing principal has been designated as a carrier of bonded merchandise.

(232.1)

ROBERT V. McINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(T.D. 70-152)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textile products, in category 55, manufactured or produced in the Socialist Republic of Romania

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., June 26, 1970.

There is published below the directive of April 27, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the United States of cotton textile products, in category 55, manufactured or produced in the Socialist Republic of Romania.

This directive was published in the Federal Register on June 18, 1970 (35 F.R. 10053), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

April 27, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning February 27, 1970, and extending through February 26, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 55, produced or manufactured

in the Socialist Republic of Romania, in excess of a level of restraint for the period of 7,000 dozen.¹

In carrying out this directive, entries of cotton textile products in Category 55, produced or manufactured in the Socialist Republic of Romania and which have been exported to the United States from the Socialist Republic of Romania prior to February 27, 1970, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 55, in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from the Socialist Republic of Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

ROCCO C. SICILIANO,
*Acting Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee*

(T.D. 70-153)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

100-10701-2
1000001.05 10 9101 201
TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., June 26, 1970.

¹ This level has not been adjusted to reflect any entries made on or after February 27, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

June 8, 1970.....	\$0. 284999
June 9, 1970.....	. 284999
June 10, 1970.....	. 284999
June 11, 1970.....	. 284999
June 12, 1970.....	. 284999
June 15, 1970.....	. 284999
June 16, 1970.....	. 284999
June 17, 1970.....	. 284999
June 18, 1970.....	Temporarily Suspended
June 19, 1970.....	Temporarily Suspended

Denmark krone:

June 8, 1970.....	\$0. 133312
June 9, 1970.....	. 133300
June 10, 1970.....	. 133350
June 11, 1970.....	. 133318
June 12, 1970.....	. 133328
June 15, 1970.....	. 133279
June 16, 1970.....	. 133312
June 17, 1970.....	. 133362
June 18, 1970.....	. 133379
June 19, 1970.....	. 133370

Hong Kong dollar:

Official rate of \$0.163750 for the period from May 25 through May 29, 1970, and the following Free rates:

May 25, 1970.....	\$0. 164259
May 26, 1970.....	. 164259
May 27, 1970.....	. 164293
May 28, 1970.....	. 164293
May 29, 1970.....	. 164225

Iran rial:

For the period from June 1 through June 5, 1970, rate of \$0.0130333.

Philippine peso:

For the period from June 1 through June 5, 1970, Official rate of \$0.256410* and a Free rate of \$0.160000*.

*Certified as nominal rate.

Thailand baht (tical) :

For the period from June 1 through June 5, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

(T.D. 70-154)

Cotton textiles—Restriction on entry

Restriction on entry of certain cotton textiles manufactured or produced in Brazil

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., July 2, 1970.

There is published below the directive of June 16, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the United States of cotton textiles in categories 9 and 19, manufactured or produced in Brazil.

This directive was published in the Federal Register on June 20, 1970 (35 F.R. 10184), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

June 16, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962,

including Article 6(c) thereof relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible and for the period extending through February 26, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 9 and 19, produced or manufactured in Brazil, and exported from Brazil on or after the date following the date of publication of this letter in the Federal Register.

A detailed description of Categories 9 and 19, in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-155)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textile products, in category 53, manufactured or produced in the Socialist Republic of Romania

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., July 2, 1970.

There is published below the directive of June 15, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the

United States of cotton textile products, in category 53, manufactured or produced in the Socialist Republic of Romania.

This directive was published in the Federal Register on June 20, 1970 (35 F.R. 10185), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

June 15, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning March 31, 1970, and extending through March 30, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 53, produced or manufactured in the Socialist Republic of Romania, in excess of a level of restraint for the period of 8,023 dozen.¹

In carrying out this directive, entries of cotton textile products in Category 53, produced or manufactured in the Socialist Republic of Romania and which have been exported to the United States from the Socialist Republic of Romania prior to March 31, 1970, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 53, in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

¹ This level has not been adjusted to reflect any entries made on or after March 31, 1970.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textile products from the Socialist Republic of Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-156)

Special tonnage tax and light money—The Gambia—Customs Regulations amended

Foreign discriminating duties of tonnage and impost with respect to vessels of and certain imports from The Gambia suspended and discontinued; section 4.22, Customs Regulations, amended

TREASURY DEPARTMENT,
Washington, D.C., June 22, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

The Secretary of State advised the Secretary of the Treasury on May 20, 1970, that the Department of State has obtained from the Government of The Gambia satisfactory evidence that since April 22, 1970, no discriminating duties of tonnage or imposts have been imposed or levied in ports of The Gambia upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into The Gambia in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which

was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects vessels of the Government of The Gambia, and the produce, manufactures, or merchandise imported into the United States in such vessels from The Gambia or from any other foreign country. This suspension and discontinuance shall take effect from April 22, 1970, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, section 4.22, Customs Regulations, is amended by the insertion of "Gambia, The" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141).

(214.1)

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register July 10, 1970 (35 F.R. 11119)]

(T.D. 70-157)

Ports of entry—Customs Regulations amended

Changes in the Customs Field Organization—Section 1.2 (c), Customs Regulations, amended

TREASURY DEPARTMENT,

Washington, D.C., July 2, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART I—GENERAL PROVISIONS

In order to provide improved Customs service in Puerto Rico, it is considered desirable to extend the present port limits of the port of entry, Humacao, Puerto Rico. Therefore, notice is hereby given that

under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), the port limits of Humacao, Puerto Rico (Region IV), are hereby extended to include all the area within the boundaries of the municipios of Humacao and Yabucoa, Puerto Rico, effective 30 days after publication in the Federal Register.

To reflect this change, section 1.2(c) of the Customs Regulations is amended by inserting the words "(including the territory described in T.D. 70-157)" immediately following the name of the port of entry Humacao in the column headed "Ports of Entry."

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624.) (192-49.1)

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register July 14, 1970 (35 F.R. 11231)]

(T.D. 70-158)

Foreign currencies—Quarterly list of rates of exchange

Lists of rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for use during the quarter beginning July 1, 1970, through September 30, 1970

TREASURY DEPARTMENT,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., July 9, 1970.

The appended table lists the rates of exchange of certain foreign currencies first certified to the Secretary of the Treasury by the Federal Reserve Bank of New York under the provisions of section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), for a day in the quarter beginning July 1, 1970. The rates are published for the information and use of Customs officers and others concerned pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,

Acting Commissioner of Customs.

List of values of foreign currencies certified to the Secretary of the Treasury by the Federal Reserve Bank of New York under provisions of section 522(c), Tariff Act of 1930, as amended

QUARTER BEGINNING JULY 1 THROUGH SEPTEMBER 30, 1970

Country	Name of Currency	Dollars
Australia	Dollar	1. 113368
Austria	Schilling	. 0386294
Belgium	Franc	. 0201452
Canada	Dollar	. 966800
Ceylon	Rupee	. 167700
Finland	Markka	. 237475
France	Franc	. 181287
Germany	Deutsche Mark	. 275462
India	Rupee	. 132266
Ireland	Pound	2. 395300
Italy	Lira	. 00158970
Japan	Yen	. 00278533
Malaysia	Dollar	. 323400
Mexico	Peso	. 0800560
Netherlands	Guilder	. 276108
New Zealand	Dollar	1. 114503
Norway	Krone	. 139966
Portugal	Escudo	. 0349406
Republic of South Africa	Rand	1. 392037
Spain	Peseta	. 0142900
Sweden	Krona	. 192900
Switzerland	Franc	. 231846
United Kingdom	Pound	2. 395300

(T.D. 70-159)

Reorganization of the Customs Agency Service—Customs Regulations amended

Customs Agency Service regions discontinued; districts, headquarters offices, and suboffices established; geographical jurisdiction of districts defined. Section 1.5, Customs Regulations, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART I—GENERAL PROVISIONS

To provide maximum use of Customs Agency Service personnel and facilities, it has been determined that existing Customs Agency Service

regions should be discontinued and that districts and suboffices within each district should be established.

To establish the districts, define the geographical jurisdiction of each, and establish a headquarters office for each district and suboffices within each district, section 1.5, Customs Regulations, is amended to read:

1.5 *Customs Agency Service districts.*—Customs Agency Service districts,⁸ the areas of jurisdiction of such districts, headquarters offices and suboffices, and the titles of the officers in charge of such offices are as follows:

CUSTOMS AGENCY SERVICE DISTRICTS AND SUBOFFICES

District No.	Headquarters	Area of Jurisdiction	Suboffices
1	Special Agent in Charge, Boston, Massachusetts	The States of Maine, New Hampshire, Massachusetts, and Rhode Island, and that part of the State of Connecticut east of a straight line (running north and south) midway between Bridgeport and New Haven.	Resident Special Agent, Houlton, Maine Resident Special Agent, Portland, Maine Resident Special Agent, Jackman, Maine Resident Special Agent, Bangor, Maine
2	Special Agent in Charge, New York, New York	That part of the State of Connecticut west of a straight line (running north and south) midway between Bridgeport and New Haven; that part of the State of New York lying south of 42° north latitude; and that part of the State of New Jersey bounded by and including Hunterdon, Morris, Somerset, Middlesex, and Monmouth counties on the south.	Resident Special Agent, John F. Kennedy International Airport Resident Special Agent, Newark, New Jersey

CUSTOMS AGENCY SERVICE DISTRICTS AND SUBOFFICES

District No.	Headquarters	Area of Jurisdiction	Suboffices
3	Special Agent in Charge, Baltimore, Maryland	That part of the State of New Jersey south of but including the counties of Mercer and Ocean; that part of the State of Pennsylvania lying east of 78° west longitude; the States of Maryland, Delaware, and Virginia; that part of the State of North Carolina lying north of 36° north latitude; and the District of Columbia.	Resident Special Agent, Philadelphia, Pennsylvania Resident Special Agent, Washington, D.C. Resident Special Agent, Norfolk, Virginia
4	Special Agent in Charge, Atlanta, Georgia	That part of the State of North Carolina lying south of 36° north latitude; that part of the State of Tennessee lying east of the east bank of the Tennessee River; the States of South Carolina and Georgia; and that part of the State of Florida lying north of 29° north latitude and east of the east bank of the Ochlockonee River.	Resident Special Agent, Wilmington, North Carolina Resident Special Agent, Charleston, South Carolina Resident Special Agent, Jacksonville, Florida Resident Special Agent, Savannah, Georgia
5	Special Agent in Charge, Miami, Florida	That part of the State of Florida lying south of 29° north latitude; Puerto Rico; and the Virgin Islands	Resident Special Agent, Tampa, Florida Resident Special Agent, West Palm Beach, Florida Resident Special Agent, San Juan, Puerto Rico Resident Special Agent, Ponce, Puerto Rico Resident Special Agent, St. Thomas, Virgin Islands

CUSTOMS AGENCY SERVICE DISTRICTS AND SUBOFFICES

District No.	Headquarters	Area of Jurisdiction	Suboffices
6	Special Agent in Charge, New Orleans, Louisiana	That part of the State of Tennessee lying west of the east bank of the Tennessee River; the States of Arkansas, Mississippi, and Alabama; that part of the State of Florida west of the east bank of the Ochlockonee River; and the State of Louisiana except Cameron and Calcasieu parishes.	Resident Special Agent, Mobile, Alabama
7	Special Agent in Charge, Houston, Texas	That part of the State of Oklahoma east of 99° west longitude; that part of the State of Texas east of 99° west longitude, then south to 30° north latitude, then east to 98° west longitude, thence south to Mexico, including all of Hidalgo County; and Cameron and Calcasieu parishes in the State of Louisiana.	Resident Special Agent, Brownsville, Texas Resident Special Agent, McAllen, Texas Resident Special Agent, Dallas, Texas Resident Special Agent, Beaumont, Texas Resident Special Agent, Corpus Christi, Texas
8	Special Agent in Charge, San Antonio, Texas	That part of the State of Oklahoma west of 99° west longitude; that part of the State of Texas east of the Pecos River and west of 99° west longitude, south to 30° north latitude, then east to 98° west longitude, then south to Mexico by the northern and western borders of Hidalgo County.	Resident Special Agent, Laredo, Texas Resident Special Agent, Falcon Heights, Texas Resident Special Agent, Eagle Pass, Texas Resident Special Agent, Del Rio, Texas Resident Special Agent, Lubbock, Texas
9	Special Agent in Charge, El Paso, Texas	That part of the State of Texas west of the Pecos River; the States of New Mexico and Colorado; and that part of the State of Wyoming south of 42° north latitude.	Resident Special Agent, Alpine, Texas Resident Special Agent, Deming, New Mexico Resident Special Agent, Albuquerque, New Mexico Resident Special Agent, Denver, Colorado

CUSTOMS AGENCY SERVICE DISTRICTS AND SUBOFFICES

District No.	Headquarters	Area of Jurisdiction	Suboffices
10	Special Agent in Charge, Nogales, Arizona	The State of Arizona except for that part west of 114° west longitude and south of an imaginary line intersecting the northern boundary of Imperial County, California, and 114° west longitude.	Resident Special Agent, Douglas, Arizona Resident Special Agent, Lukeville, Arizona Resident Special Agent, Tucson, Arizona Resident Special Agent, Phoenix, Arizona
11	Special Agent in Charge, San Ysidro, California	That part of the State of California comprising San Diego and Imperial Counties; and that part of the State of Arizona west of 114° west longitude and south of an imaginary line intersecting the northern boundary of Imperial County, California, and 114° west longitude.	Resident Special Agent, San Diego, California Resident Special Agent, Tecate, California Resident Special Agent, Calexico, California Resident Special Agent, Andrade, California Resident Special Agent, San Luis, Arizona
12	Special Agent in Charge, Los Angeles, California	That part of the State of California bounded on the north by the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties and on the south by the southern boundaries of Orange and Riverside Counties; and that part of the State of Nevada comprising Clark County.	Resident Special Agent, Los Angeles International Airport Resident Special Agent, Las Vegas, Nevada
13	Special Agent in Charge, Honolulu, Hawaii.	The State of Hawaii.	
14	Special Agent in Charge, San Francisco, California	That part of the State of California north of the southern boundaries of Monterey, Kings, Tulare, and Inyo Counties; the State of Nevada except for Clark County; and the State of Utah.	Resident Special Agent, Sacramento, California Resident Special Agent, Eureka, California

CUSTOMS AGENCY SERVICE DISTRICTS AND SUBOFFICES

District No.	Headquarters	Area of Jurisdiction	Suboffices
15	Special Agent in Charge, Seattle, Washington	The States of Washington, Oregon, Montana, and Idaho; and that part of the State of Wyoming north of 42° north latitude.	Resident Special Agent, Blaine, Washington Resident Special Agent, Spokane, Washington Resident Special Agent, Portland, Oregon Resident Special Agent, Great Falls, Montana
16	Special Agent in Charge, Anchorage, Alaska	The State of Alaska.	
17	Special Agent in Charge, Duluth, Minnesota	The States of North Dakota, South Dakota, and Minnesota; that part of the State of Wisconsin north of 44° north latitude; and that part of the State of Michigan (Lake Superior) west of 87° west longitude.	Resident Special Agent, Williston, North Dakota Resident Special Agent, Pembina, North Dakota Resident Special Agent, International Falls, Minnesota Resident Special Agent, Minneapolis, Minnesota
18	Special Agent in Charge, Chicago, Illinois	The States of Nebraska, Kansas, Iowa, Missouri, Illinois, and Indiana; that part of the State of Wisconsin south of 44° north latitude; and that part of Lake Michigan south of 45° north latitude.	Resident Special Agent, Milwaukee, Wisconsin Resident Special Agent, St. Louis, Missouri Resident Special Agent, Kansas City, Missouri
19	Special Agent in Charge, Detroit, Michigan	The States of Ohio, Kentucky, and West Virginia; the State of Michigan and Lake Superior except those parts west of 87° west longitude; that part of the State of Pennsylvania west of 78° west longitude; and that part of the State of New York west of 77° west longitude.	Resident Special Agent, Cleveland, Ohio Resident Special Agent, Buffalo, New York Resident Special Agent, Sault Ste. Marie, Michigan Resident Special Agent, Pittsburgh, Pennsylvania

CUSTOMS AGENCY SERVICE DISTRICTS AND SUBOFFICES

District No.	Headquarters	Area of Jurisdiction	Suboffices
20	Special Agent in Charge, Rouses Point, New York	The State of Vermont and that part of the State of New York east of 77° west longitude and north of 42° north latitude.	Resident Special Agent, Ogdensburg, New York Resident Special Agent, Newport, Vermont
21	Customs Attache, Rome, Italy	Europe, Africa, and the Near East.	Senior Customs Representative, Frankfurt, Germany Senior Customs Representative, Paris, France Senior Customs Representative, London, England
22	Customs Attache, Tokyo, Japan	All of the Far East, including Australia.	Senior Customs Representative, Hong Kong, B.C.C.

Offices are also maintained at Montreal, P.Q., Canada, and Mexico City, D.F., Mexico, unrelated to any particular Customs Agency Service district, with Senior Customs Representatives detached from the Bureau of Customs Headquarters, Washington, D.C. The Montreal office will have jurisdiction over all of Canada, and the Mexico City office will have jurisdiction over all of Mexico.

Footnote 8 to Part 1, Customs Regulations, is amended to read:

⁸ Customs Agency Service district numbers do not correspond to customs district numbers.

(R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624.)

Effective Date: This amendment shall be effective as of July 1, 1970. (193.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved July 9, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register July 21, 1970 (35 F.R. 11619)]

(T.D. 70-160)

Cotton textiles—Restrictions on entry

Restrictions on certain categories of cotton textiles and cotton textile products
manufactured or produced in Colombia

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., July 14, 1970.

There is published below the directive of June 29, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restrictions on entry into the United States of cotton textiles and cotton textile products in certain categories manufactured or produced in Colombia.

This directive was published in the Federal Register on July 3, 1970 (35 F.R. 10875), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

June 29, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of September 18, 1968, between the Governments of the United States and Colombia, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning July 1, 1970 and extending through June 30, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 1 through 27 produced or manufactured in Colombia, in excess of the adjusted levels of restraint set forth below.

The combined adjusted level of restraint for Categories 1 through 4 shall be 3,462,733 pounds.

The overall adjusted level of restraint for Categories 5 through 27 shall be 18,077,623 square yards.

Within the overall adjusted level of restraint for Categories 5 through 27, the following adjusted specific levels of restraint shall apply:

<i>Category</i>	<i>Adjusted twelve-month level of restraint</i>
5/6	1,984,500 square yards of which not more than 330,750 square yards shall be in Category 6.
9	3,471,710 square yards
16	992,250 square yards
19	1,102,500 square yards
22	6,037,354 square yards
26	3,583,216 square yards of which not more than 521,489 square yards shall be in duck fabric ¹

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Colombia, which have been exported to the United States from Colombia prior to July 1, 1970, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods for the twelve-month period beginning July 1, 1969, and extending through June 30, 1970. In the event that the level of restraint for the twelve-month period ending June 30, 1970, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 18, 1968, between the Governments of the United States and Colombia which provides in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

The bilateral agreement of September 18, 1968, also provides a group limit on Categories 28-64. Import controls on these categories at an overall level of 661,500 square yards equivalent may be established during the current agreement year. In such an event you will be advised in a further directive from the Chairman of the Interagency Textile Administrative Committee.

¹ Only T.S.U.S.A. Nos.:

320.—01 through 04, 06, 08
321.—01 through 04, 06, 08
322.—01 through 04, 06, 08

326.—01 through 04, 06, 08
327.—01 through 04, 06, 08
328.—01 through 04, 06, 08

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton textiles and cotton textile products from Colombia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-161)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., July 17, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.

(133.121)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

TARIFF CLASSIFICATION

T.D. 70-161(1) *Apparatus for physical or chemical analysis. Alcoholic content indicator.*—Apparatus consisting of one or two thermometers, heating elements, and small boilers, and one calculating scale which shows alcoholic content by a comparison of the boiling point of water and the liquid tested, and which can be used to determine the alcoholic content of wine, vinegar, or liqueurs, classifiable

under the provision for apparatus for physical or chemical analysis in *item 711.88*, TSUS. Bureau letter dated June 15, 1970. (426.846)

T.D. 70-161(2) *Articles in chief value of plastics, or of iron or steel. Cops or pirns.*—Cops or pirns used on twisting equipment in the production of synthetic fabrics, and constructed of steel tubing with plastic end caps and replaceable plastic sleeve over the tubing, classifiable in accordance with the component material in chief value, if in chief value of steel, in *item 657.20*, TSUS, or if in chief value of plastics, in *item 774.60*, TSUS. Bureau letter dated June 30, 1970. (434.2)

T.D. 70-161(3) *Articles, ns pf, of stone. Figurines.*—Figurines, hand carved from natural stone, are classifiable as other articles of stone, in *item 515.61*, TSUS, if not decorated; or *item 515.64*, TSUS, if decorated, in the absence of evidence that they are the professional productions of sculptors. Bureau letter dated June 30, 1970. (442.115)

T.D. 70-161(4) *Articles of textile materials, ns pf. Narrow fabrics. Typewriter ribbon and computer tape.*—Typewriter ribbon and computer tapes in continuous lengths, inked, and in widths ranging from 3/16-inch to 19 inches, are classifiable under the provision for other articles, ns pf, of textile materials, not ornamented, of man-made fibers, in *item 389.60*, TSUS. Nylon typewriter ribbon and computer tapes in continuous lengths, not inked, not over 12 inches in width, and with fast edges, are classifiable under the provision for other fabrics, of man-made fibers, ribbons, in *item 347.60*, TSUS. Nylon computer tapes in continuous lengths, not inked, and over 12 inches in width are classifiable under the provision for other woven fabrics, of man-made fibers, in *item 333.30*, TSUS. Bureau letter dated June 22, 1970. (471.21)

T.D. 70-161(5) *Articles of vegetable materials, fibrous, unspun. Skewers, bamboo.*—Round bamboo skewers, pointed at one end, 1/4-inch in diameter and 4 1/2 and 5 1/2 inches long, suitable for use by butchers for preparing certain cuts of meats such as roasts, and also used for candied apple sticks, are classifiable, for whatever purpose intended, under the provision for articles ns pf, of unspun fibrous vegetable materials, of bamboo, in *item 222.60*, TSUS. Bureau letter dated June 25, 1970. (481.16)

T.D. 70-161(6) *Electric discharge lamps. Gas filled indicators.*—Gas filled indicator tube with cathode shaped in the form of characters such as 0 through 9, which operates on the gas discharge principle, classifiable under the provision for electric discharge lamps in *item 687.10*, TSUS. Bureau letter dated June 17, 1970. (431.5)

T.D. 70-161(7) *Electrical articles, ns pf. Gas chromatograph digital integrators.*—Gas chromatograph digital integrators incorporating all integrated circuit design, the main function of which is to

perform, by electronic means, an integral calculus operation or computation and integrate the area displayed beneath the analog curve produced by the gas chromatograph, classifiable under the provision for electrical articles, nspf, in *item 688.40*, TSUS. Bureau letter dated June 12, 1970. (431)

T.D. 70-161(8) *Electrical measuring, checking, or analyzing instruments. Digital indicators.*—Digital indicators for various industrial process applications, which operate directly from thermocouples, resistance bulbs, strain gauges, transducers, load cells, or any suitable direct current millivolt or voltage source within a specified range, classifiable under the provision for electrical measuring, checking, or analyzing instruments, in *item 712.49*, TSUS. Bureau letter dated June 18, 1970. (431)

T.D. 70-161(9) *Fabrics of textile materials, nspf, including laminated. Paint rollers.*—Pile fabric material, of man-made fibers, used in the fabrication of paint rollers, imported in widths of $2\frac{7}{8}$ inches for easier handling on paint roller machines, with neoprene coating on the back surface to give support, fabricated into paint rollers after importation by winding and gluing onto 65-inch phenolic tubes which are slit to commercial size paint rollers of 7 and 9 inches, classifiable under the provision for textile fabrics, including laminated fabrics, of man-made fibers, in *item 359.50*. TSUS. Bureau letter dated June 22, 1970. (474.51)

T.D. 70-161(10) *Floor coverings, nspf. Vinylwood flooring.*—Flooring material composed of five different layers consisting of a clear polyvinyl surface, a sheet of wood veneer, aluminum foil, a layer of black vinyl, and backed with a layer of asbestos, all fused in the manufacturing process, classifiable as floor coverings, nspf, in *item 728.25*, TSUS. Bureau letter dated July 1, 1970. (481.212)

T.D. 70-161(11) *Headwear. Flower pot covers. Flower baskets.*—Chipwood hats with crown and brim constructed of unspun fibrous vegetable braid are classifiable under the provision for headwear, of unspun fibrous vegetable materials, in *item 702.32 or 702.40*, TSUS, according to whether or not sewed. Bureau letter dated June 15, 1970. (481.34)

T.D. 70-161(12) *Machines and machinery. Combination washing and drying machines for textile materials or articles.*—Domestic type combination washing and drying machines equipped with washing and drying units, housed in common cabinets, classifiable under the provision for other machinery for washing, drying textile articles (including laundry machinery), in *item 670.43*, TSUS, and not under the provision for machines nspf, in *item 678.50*, TSUS, for the reason that combination machines correspond to those enumerated in the

applicable superior heading and do not constitute more than such machinery. Bureau letter dated July 1, 1970. (431.3)

T.D. 70-161(13) *Marble, and articles of. Slabs with liners.*—Marble slabs, $\frac{3}{4}$ -inch thick, 2 feet by 8 feet, with sawn edges and polished on one surface, to the backs of which are affixed rough sawn marble liners $\frac{3}{8}$ -inch thick and smaller than the slabs, are not flat stone pieces within the definition for the term "slabs" in *Schedule 5, Part 1, Subpart C, Headnote 2*, TSUS, because they are no longer one piece of stone. Generally, these marble pieces are installed with the liners that relieve transmission of weight by resting upon shelf angles which are attached to a structure. This marble with liner is classifiable under the provision for other articles of marble, nspf, in *item 514.81*, TSUS. Bureau letter dated June 23, 1970. (442.113)

T.D. 70-161(14) *Nitrogenous compounds. Nitromethane.*—Nitromethane is classifiable under the provision for nitroparaffins in *item 425.32*, TSUS. T.D. 70-101(15), revoked. Bureau letter dated June 25, 1970. (417.0)

T.D. 70-161(15) *Sections (including angles and shapes) of iron or steel.*—Beveled, hot-rolled steel plate in widths of from 7 feet to 10 feet and in lengths of from 20 feet to 35 feet, and rolled in a curvature, classifiable under the provisions for angles, shapes, and sections, of steel, hot rolled, whether or not drilled, punched, or otherwise advanced, angles, shapes, and sections, hot rolled, drilled, punched, or otherwise advanced, other than alloy steel, in *item 609.84*, TSUS, if not alloyed. If alloyed, classifiable under the provision for alloy steel in *item 609.86*, TSUS. T.D. 67-96(12), noted and distinguished. Bureau letter dated June 23, 1970. (422.4)

T.D. 70-161(16) *Self-propelled work trucks, off-the-highway types. Towing tractor.*—A diesel-powered, four-wheel drive, heavy duty vehicle designed for towing large commercial aircraft, classifiable under the provision for self-propelled work trucks used in transportation terminals, in *item 692.40*, TSUS. T.D. 68-133(10), modified. Bureau letter dated July 1, 1970. (423.11)

T.D. 70-161(17) *Ski equipment. Ski binding covers.*—Nylon covers for bindings on skis approximately 23 inches long, sleeve-like in appearance, with an elastic band around the ends and center to hold the covers over the bindings, and with a snap leather tab at one end, and a zipper closure running lengthwise, used for the purpose of covering bindings on skis to prevent dirt, road salt, slush, and other foreign matter from causing damage and corrosion to the locking, release, and safety mechanism, classifiable under the provision for ski equipment in *item 734.97*, TSUS. Bureau letter dated June 18, 1970. (474.5)

T.D. 70-161(18) *Textile products. Nonwoven fabric.*—A fabric composed of matted (unspun and unwoven) man-made textile fibers bonded together with a resinous material and subsequently mechanically expanded to give a mesh-like appearance, is classifiable under the provision for nonwoven fabrics, of man-made fibers, whether or not coated or filled, in item 355.25, TSUS. Bureau letter dated June 25, 1970. (471.22)

VESSELS IN FOREIGN AND DOMESTIC TRADES

T.D. 70-161(19) *Coastwise transportation by certain vessels of stevedoring equipment and material.*—A special discharging machine called a UPU (Unloading Pump Unit) which is a combination of a hopper and conveyor unit which is connected during unlading operations to the side of a crane on a vessel equipped with a special gantry crane and heavy bucket and used in receiving and discharging (blowing) cement from a vessel to shore silos shall be considered to be stevedoring equipment within the meaning of section 4.93(a)(2), Customs Regulations. Bureau letter dated June 11, 1970. (216.131)

(T.D. 70-162)

Bonded Carriers

Approval and discontinuance of carrier bonds, Customs Form 3587

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., July 17, 1970.

Bonds of carriers for the transportation of bonded merchandise have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at end of list.

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
Air-Land Freight Consolidators, Inc., 226 Jackson St., San Francisco, Calif., freight forwarder; Reliance Ins. Co. D 5-29-70	Mar. 19, 1966	Mar. 21, 1966	San Francisco, Calif.; \$25,000
Balley Barge Line, Inc., 3841 Veterans Highway, Metairie, La., water carrier; Highlands Ins. Co. D 6-29-70	Oct. 29, 1969	Oct. 29, 1969	New Orleans, La. \$50,000

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
Container Cargo Express Corp., 1625 Eye St., N.W., Washington, D.C., motor carrier; American Casualty Co. of Reading, Pa. D 6-26-70	July 26, 1967	Aug. 24, 1967	New York, N.Y.; \$25,000
Drucas Moving & Storage Service, Inc., 1029 Twigg St., Tampa, Fla., motor carrier; The Aetna Casualty & Surety Co. PB (5-29-68) D 6-3-70 ¹	June 1, 1970	June 3, 1970	Tampa, Fla.; \$25,000
Gleason Transportation Co., Inc., Bellows Falls, Vt., motor carrier; St. Paul Fire & Marine Ins. Co. PB (2-20-68) D 6-10-70 ¹	June 9, 1970	June 11, 1970	St. Albans, Vt.; \$25,000
IML Freight, Inc., 2175 S. 3270 W., Salt Lake City, Utah, motor carrier; Transport Indemnity Co. PB (8-8-69) D 5-30-70 ¹	Mar. 30, 1970	May 30, 1970	San Francisco, Calif.; \$25,000
Int'l Cartage, Inc., 1020-18th St., Detroit, Mich., motor carrier; Hartford Accident & Indemnity Co.	Apr. 23, 1970	May 25, 1970	Detroit, Mich.; \$25,000
Langer Transport Corp., Route 1 & Danforth Ave., Jersey City, N.J., motor carrier; St. Paul Fire & Marine Ins. Co. D 6-9-70	May 8, 1965	July 9, 1965	New York, N.Y.; \$25,000
T. I. McCormack Trucking Co., Inc., 4107 Bells Lane, Louisville, Ky., motor carrier; Fidelity & Deposit Co. of Md. D 6-25-70	June 9, 1969	July 1, 1969	New York, N.Y.; \$25,000
Stephen F. Frost dba Montana Motor Lines, P. O. Box 28, Billings, Mont., motor carrier; Glens Falls Ins. Co. D 5-29-70	Aug. 27, 1968	Oct. 1, 1968	Great Falls, Mont.; \$25,000
Navajo Freight Lines, Inc., 1205 S. Platte River Dr., Denver, Colo., motor carrier; Seaboard Surety Co. PB (3-8-67) D 3-8-70 ⁴	Mar. 8, 1970	Mar. 8, 1970	San Francisco, Calif.; \$25,000
North Central Airlines, Inc., 7500 Northliner Dr., Minneapolis, Minn., air carrier; Agricultural Ins. Co. PB (12-1-60) D 6-12-70	May 19, 1970	June 12, 1970	Minneapolis, Minn.; \$25,000
Red Ball, Inc., Sapulpa, Okla., motor carrier; Western Surety Co. D 6-28-70	June 28, 1960	July 5, 1960	St. Louis, Mo.; \$25,000
George Smith dba Geo. Smith Trucking Co., 433 Mountain Ave., Winnipeg 4, Manitoba, Can., motor carrier; Hartford Fire Ins. Co.	April 1, 1970	June 24, 1970	Pembina, N.D.; \$25,000
Ziffrin Truck Lines, 11208 S. Division St., Indianapolis, Ind., motor carrier; The Aetna Casualty & Surety Co. PB (12-10-64) D 4-22-68 ¹	Mar. 28, 1968	Apr. 22, 1968	Chicago, Ill.; \$30,000

¹ Surety is The Home Indemnity Co.

² " " Liberty Mutual Ins. Co.

³ " " Transamerica Ins. Co.

⁴ " " The Aetna Casualty & Surety Co.

⁵ " " American States Ins. Co.

(241.2)

ROBERT V. McINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(T.D. 70-163)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., July 15, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

June 22, 1970	-----	\$0. 249358
June 23, 1970	-----	. 249152
June 24, 1970	-----	. 248989
June 25, 1970	-----	. 248739
June 26, 1970	-----	. 248739
June 29, 1970	-----	. 249152
June 30, 1970	-----	. 249152
July 1, 1970	-----	. 249152
July 2, 1970	-----	. 249152
July 3, 1970	-----	. 249152
July 6, 1970	-----	. 249364
July 7, 1970	-----	. 249364
July 8, 1970	-----	. 249364
July 9, 1970	-----	. 249364
July 10, 1970	-----	. 249364

Denmark krone:

June 22, 1970	-----	\$0. 133366
June 23, 1970	-----	. 133353
June 24, 1970	-----	. 133421
June 25, 1970	-----	. 133379
June 26, 1970	-----	. 133350
June 29, 1970	-----	. 133334
June 30, 1970	-----	. 133350
July 1, 1970	-----	. 133408
July 2, 1970	-----	. 133365
July 3, 1970	-----	. 133296
July 6, 1970	-----	. 133266
July 7, 1970	-----	. 133268
July 8, 1970	-----	. 133318
July 9, 1970	-----	. 133275
July 10, 1970	-----	. 133245

Hong Kong dollar:

Official rate of \$0.163750 for the period from June 1 through June 19, 1970, and the following Free rates:

June 1, 1970	Not Available
June 2, 1970	Not Available
June 3, 1970	Not Available
June 4, 1970	Not Available
June 5, 1970	Not Available
June 8, 1970	No Rate
June 9, 1970	\$0.163920
June 10, 1970	.163988
June 11, 1970	.163920
June 12, 1970	.163920
June 15, 1970	.163954
June 16, 1970	.163853
June 17, 1970	.163819
June 18, 1970	.163920
June 19, 1970	.163920

Iran rial:

For the period from June 8 through June 26, 1970, rate of \$0.0130333.

Philippine peso:

For the period from June 8 through June 26, 1970, Official rate of \$0.256410* and the following Free rates:

June 8, 1970	\$0.160000*
June 9, 1970	.159666*
June 10, 1970	.159666*
June 11, 1970	.159500*
June 12, 1970	.159500*
June 15, 1970	.159666*
June 16, 1970	.159666*
June 17, 1970	.159666*
June 18, 1970	.159666*
June 19, 1970	.159666*
June 22, 1970	.159666*
June 23, 1970	.159666*
June 24, 1970	.159666*
June 25, 1970	.159666*
June 26, 1970	.159666*

Thailand baht (tical):

For the period from June 8 through June 26, 1970, rate of \$0.0478125.

*Certified as nominal rate

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).
(342.211)

ROBERT V. McINTYRE,
Acting Commissioner of Customs.

(T.D. 70-164)

Cotton textiles—Restrictions on entry

Restrictions on certain categories of cotton textiles and cotton textile products manufactured or produced in Pakistan

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., July 21, 1970.

There is published below the directive of June 29, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restrictions on entry into the United States of certain categories of cotton textiles and cotton textile products manufactured or produced in Pakistan.

This directive was published in the Federal Register on July 10, 1970 (35 F.R. 11148), by the Interagency Textile Administrative Committee.

(343.3)

ROBERT V. McINTYRE,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

June 29, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of May 6, 1970, between the Governments of the United States and Pakistan, and in

accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed, effective July 1, 1970 and for the twelve-month period extending through June 30, 1971, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9/10, 15/16, 18/19, 22/23, parts of 26, part of 31, and 41/42, produced or manufactured in Pakistan, in excess of the following designated levels of restraint:

<i>Category</i>	<i>Twelve-Month Levels of Restraint</i>
9/10	36,000,000 syds.
15/16	3,000,000 syds.
18/19 and part of 26 (print cloth) ¹	16,000,000 syds.
22/23	4,000,000 syds.
Part of 26 (bark cloth) ²	6,000,000 syds.
Part of 26 (duck) ³	8,500,000 syds.
Part of 31 (Only T.S.U.S.A. No. 366.2740)	4,816,000 pieces
41/42	411,000 dozen

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 9/10, 15/16, 18/19 and part of 26 (print cloth),¹ 22/23, part of 26 (bark cloth),² part of 26 (duck),³ part of 31 (only T.S.U.S.A. No. 366.2740), and 41/42, produced or manufactured in Pakistan and exported to the United States prior to July 1, 1970, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period July 1, 1969 through June 30, 1970. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries and such goods were exported from Pakistan prior to March 1, 1970, then such goods shall not be subject to the directives set forth in this letter. In the event that the levels of restraint

¹ In Category 26, only T.S.U.S.A. Nos.:

320.—34	322.—34	327.—34
321.—34	326.—34	328.—34

² Only T.S.U.S.A. Nos.:

320.—88	325.—88	330.—88	323.—92	328.—92
321.—88	326.—88	331.—88	324.—92	329.—92
322.—88	327.—88	320.—92	325.—92	330.—92
323.—88	328.—88	321.—92	326.—92	331.—92
324.—88	329.—88	322.—92	327.—92	

³ Only T.S.U.S.A. Nos.:

320.—01 through 04, 06, 08	326.—01 through 04, 06, 08
321.—01 through 04, 06, 08	327.—01 through 04, 06, 08
322.—01 through 04, 06, 08	328.—01 through 04, 06, 08

established for such goods for that period shall have been exhausted by previous entries and such goods were exported from Pakistan on or after March 1, 1970, then such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement, of May 6, 1970, between the Governments of the United States and Pakistan which provide in part that within the aggregate and applicable group limits of the agreement, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, and
Chairman, President's Cabinet
Textile Advisory Committee

20-222	20-223	20-224	20-225	20-226
20-227	20-228	20-229	20-230	20-231
20-232	20-233	20-234	20-235	20-236
20-237	20-238	20-239	20-240	20-241
20-242	20-243	20-244	20-245	20-246
20-247	20-248	20-249	20-250	20-251
20-252	20-253	20-254	20-255	20-256
20-257	20-258	20-259	20-260	20-261
20-262	20-263	20-264	20-265	20-266
20-267	20-268	20-269	20-270	20-271
20-272	20-273	20-274	20-275	20-276
20-277	20-278	20-279	20-280	20-281
20-282	20-283	20-284	20-285	20-286
20-287	20-288	20-289	20-290	20-291
20-292	20-293	20-294	20-295	20-296
20-297	20-298	20-299	20-300	20-301
20-302	20-303	20-304	20-305	20-306
20-307	20-308	20-309	20-310	20-311
20-312	20-313	20-314	20-315	20-316
20-317	20-318	20-319	20-320	20-321
20-322	20-323	20-324	20-325	20-326
20-327	20-328	20-329	20-330	20-331
20-332	20-333	20-334	20-335	20-336
20-337	20-338	20-339	20-340	20-341
20-342	20-343	20-344	20-345	20-346
20-347	20-348	20-349	20-350	20-351
20-352	20-353	20-354	20-355	20-356
20-357	20-358	20-359	20-360	20-361
20-362	20-363	20-364	20-365	20-366
20-367	20-368	20-369	20-370	20-371
20-372	20-373	20-374	20-375	20-376
20-377	20-378	20-379	20-380	20-381
20-382	20-383	20-384	20-385	20-386
20-387	20-388	20-389	20-390	20-391
20-392	20-393	20-394	20-395	20-396
20-397	20-398	20-399	20-400	20-401
20-402	20-403	20-404	20-405	20-406
20-407	20-408	20-409	20-410	20-411
20-412	20-413	20-414	20-415	20-416
20-417	20-418	20-419	20-420	20-421
20-422	20-423	20-424	20-425	20-426
20-427	20-428	20-429	20-430	20-431
20-432	20-433	20-434	20-435	20-436
20-437	20-438	20-439	20-440	20-441
20-442	20-443	20-444	20-445	20-446
20-447	20-448	20-449	20-450	20-451
20-452	20-453	20-454	20-455	20-456
20-457	20-458	20-459	20-460	20-461
20-462	20-463	20-464	20-465	20-466
20-467	20-468	20-469	20-470	20-471
20-472	20-473	20-474	20-475	20-476
20-477	20-478	20-479	20-480	20-481
20-482	20-483	20-484	20-485	20-486
20-487	20-488	20-489	20-490	20-491
20-492	20-493	20-494	20-495	20-496
20-497	20-498	20-499	20-500	20-501
20-502	20-503	20-504	20-505	20-506
20-507	20-508	20-509	20-510	20-511
20-512	20-513	20-514	20-515	20-516
20-517	20-518	20-519	20-520	20-521
20-522	20-523	20-524	20-525	20-526
20-527	20-528	20-529	20-530	20-531
20-532	20-533	20-534	20-535	20-536
20-537	20-538	20-539	20-540	20-541
20-542	20-543	20-544	20-545	20-546
20-547	20-548	20-549	20-550	20-551
20-552	20-553	20-554	20-555	20-556
20-557	20-558	20-559	20-560	20-561
20-562	20-563	20-564	20-565	20-566
20-567	20-568	20-569	20-570	20-571
20-572	20-573	20-574	20-575	20-576
20-577	20-578	20-579	20-580	20-581
20-582	20-583	20-584	20-585	20-586
20-587	20-588	20-589	20-590	20-591
20-592	20-593	20-594	20-595	20-596
20-597	20-598	20-599	20-600	20-601
20-602	20-603	20-604	20-605	20-606
20-607	20-608	20-609	20-610	20-611
20-612	20-613	20-614	20-615	20-616
20-617	20-618	20-619	20-620	20-621
20-622	20-623	20-624	20-625	20-626
20-627	20-628	20-629	20-630	20-631
20-632	20-633	20-634	20-635	20-636
20-637	20-638	20-639	20-640	20-641
20-642	20-643	20-644	20-645	20-646
20-647	20-648	20-649	20-650	20-651
20-652	20-653	20-654	20-655	20-656
20-657	20-658	20-659	20-660	20-661
20-662	20-663	20-664	20-665	20-666
20-667	20-668	20-669	20-670	20-671
20-672	20-673	20-674	20-675	20-676
20-677	20-678	20-679	20-680	20-681
20-682	20-683	20-684	20-685	20-686
20-687	20-688	20-689	20-690	20-691
20-692	20-693	20-694	20-695	20-696
20-697	20-698	20-699	20-700	20-701
20-702	20-703	20-704	20-705	20-706
20-707	20-708	20-709	20-710	20-711
20-712	20-713	20-714	20-715	20-716
20-717	20-718	20-719	20-720	20-721
20-722	20-723	20-724	20-725	20-726
20-727	20-728	20-729	20-730	20-731
20-732	20-733	20-734	20-735	20-736
20-737	20-738	20-739	20-740	20-741
20-742	20-743	20-744	20-745	20-746
20-747	20-748	20-749	20-750	20-751
20-752	20-753	20-754	20-755	20-756
20-757	20-758	20-759	20-760	20-761
20-762	20-763	20-764	20-765	20-766
20-767	20-768	20-769	20-770	20-771
20-772	20-773	20-774	20-775	20-776
20-777	20-778	20-779	20-780	20-781
20-782	20-783	20-784	20-785	20-786
20-787	20-788	20-789	20-790	20-791
20-792	20-793	20-794	20-795	20-796
20-797	20-798	20-799	20-800	20-801
20-802	20-803	20-804	20-805	20-806
20-807	20-808	20-809	20-810	20-811
20-812	20-813	20-814	20-815	20-816
20-817	20-818	20-819	20-820	20-821
20-822	20-823	20-824	20-825	20-826
20-827	20-828	20-829	20-830	20-831
20-832	20-833	20-834	20-835	20-836
20-837	20-838	20-839	20-840	20-841
20-842	20-843	20-844	20-845	20-846
20-847	20-848	20-849	20-850	20-851
20-852	20-853	20-854	20-855	20-856
20-857	20-858	20-859	20-860	20-861
20-862	20-863	20-864	20-865	20-866
20-867	20-868	20-869	20-870	20-871
20-872	20-873	20-874	20-875	20-876
20-877	20-878	20-879	20-880	20-881
20-882	20-883	20-884	20-885	20-886
20-887	20-888	20-889	20-890	20-891
20-892	20-893	20-894	20-895	20-896
20-897	20-898	20-899	20-900	20-901
20-902	20-903	20-904	20-905	20-906
20-907	20-908	20-909	20-910	20-911
20-912	20-913	20-914	20-915	20-916
20-917	20-918	20-919	20-920	20-921
20-922	20-923	20-924	20-925	20-926
20-927	20-928	20-929	20-930	20-931
20-932	20-933	20-934	20-935	20-936
20-937	20-938	20-939	20-940	20-941
20-942	20-943	20-944	20-945	20-946
20-947	20-948	20-949	20-950	20-951
20-952	20-953	20-954	20-955	20-956
20-957	20-958	20-959	20-960	20-961
20-962	20-963	20-964	20-965	20-966
20-967	20-968	20-969	20-970	20-971
20-972	20-973	20-974	20-975	20-976
20-977	20-978	20-979	20-980	20-981
20-982	20-983	20-984	20-985	20-986
20-987	20-988	20-989	20-990	20-991
20-992	20-993	20-994	20-995	20-996
20-997	20-998	20-999	20-1000	20-1001

(T.D. 70-165)

Liquidated damages—Customs Regulations amended

Section 8.59(j), Customs Regulations, relating to the cancellation of claims for liquidated damages, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Section 8.59(j) provides for the cancellation under certain conditions of liquidated damages assessed for failure to file a timely entry for merchandise (other than quota merchandise) released under a special permit. Upon application of the importer, the district director is presently authorized to cancel such liquidated damages upon the payment of \$25.

The sum of \$25 no longer constitutes a sufficient deterrent to prevent delays in the filing of entries in many cases, and there are cases in which greater relief is warranted.

Accordingly, section 8.59(j) is amended to read as follows:

(j) When liquidated damages have been assessed for failure to file a timely entry for merchandise not subject to a quota which has been released under a special permit and the importer files an application for relief, the district director may, if he is satisfied that the delay was not deliberate, cancel such liquidated damages upon the payment of an appropriate sum which shall not exceed 10 percent of the duty assessed. In determining the appropriate amount the district director shall take into consideration the circumstances causing the delay, the extent of the lateness and the amount of duty involved, and the importer's past record with respect to the timeliness of filing entries. In general, the district director shall not cancel a claim for liquidated damages upon payment of an amount in the lower range of his discretion, if the entry is late by more than 3 working days. If collection of an amount greater than that provided by this paragraph appears warranted, the case shall be forwarded to the Bureau for disposition. The district director may refuse the privilege of immediate delivery under paragraph (a) of this section to any person who repeatedly files entries untimely.

(Secs. 623, 624, 46 Stat., 759, as amended; 19 U.S.C. 1623, 1624.)

The amendment to section 8.59(j) shall be effective as to claims for liquidated damages arising 30 days after the date of publication of this decision in the Federal Register.

(327.6)

EDWIN F. RAINS,

Acting Commissioner of Customs.

Approved July 16, 1970:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register July 28, 1970 (35 F.R. 12061)]

(T.D. 70-166)

Bonds

Approval and discontinuance of bonds for the control of identified shipping containers

TREASURY DEPARTMENT,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., July 21, 1970.

The following bond for the control of identified shipping containers has been discontinued as follows. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow.

Name of principal and surety	Date of bond	Date of approval	Filed with regional commissioner of customs
E. I. Du Pont De Nemours & Co., Wilmington, Del.; Federal Ins. Co. D 6-26-70	June 20, 1961	July 5, 1961	New York, N.Y.

(542.113)

ROBERT V. McINTYRE,

Assistant Commissioner,

Office of Regulations and Rulings.

(T.D. 70-167)

Discontinuance of antidumping investigations

T.D. 70-127 and T.D. 70-134 conformed

TREASURY DEPARTMENT,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., July 21, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 53—ANTIDUMPING

Notice is hereby given that because of the intervening redesignation of Part 53, Customs Regulations (19 CFR Part 53), as Part 153 (19 CFR Part 153) by T.D. 70-134 (35 F.R. 9251, *et seq.*), effective June 13, 1970, the amendment of section 53.15(b), Customs Regulations (19 CFR 53.15(b)), published as T.D. 70-127 (35 F.R. 8275) on May 27, 1970, to be effective 30 days after date of publication, is applicable to section 153.15(b), Customs Regulations (19 CFR 153.15(b)), from and after June 26, 1970.

(643.3)

ROBERT V. MCINTYRE,

Acting Commissioner of Customs.

[Published in the Federal Register July 28, 1970 (35 F.R. 12062)]

(T.D. 70-168)

Customs Delegation Order No. 36

Designation of the Director, Facilities Management Division, Office of Administration, as contracting officer to enter into certain contracts

TREASURY DEPARTMENT,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., July 22, 1970.

1. By virtue of authority vested in me by Treasury Department Order No. 165, Revised (T.D. 53654, 19 F.R. 7241), and by Treasury Department Order No. 208, dated March 31, 1966 (31 F.R. 5527), I hereby designate the Director, Facilities Management Division, Office of Administration, as contracting officer with authority to enter

into and administer contracts for the acquisition of land and the construction of customs border facilities provided for in section 1 of the Act of June 26, 1930, as amended (19 U.S.C. 68); the procurement of customs scales and the construction of weight houses and appurtenances; and the procurement of personal property and nonpersonal services (including construction).

2. This delegation is subject to the requirements and limitations of Treasury Department Order No. 208, and shall be exercised in accordance with the requirements and limitations of Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. chapter 4) as well as the applicable Federal Procurement Regulations, 41 CFR, chapters 1 and 10.

3. Subject to the requirements and limitations of paragraph 2, the authority herein delegated may be redelegated by the Director, Facilities Management Division, Office of Administration, to other officers or employees of the Customs Service in such manner as he shall direct.

4. Any action heretofore taken by the Director, Facilities Management Division or the Assistant Director (Procurement), Facilities Management Division, Office of Administration, which involved the exercise of authority hereby granted is affirmed and ratified.

5. This order supersedes Customs Delegation Order No. 33, dated November 6, 1968 (T.D. 68-280, 33 F.R. 16529).

(191.1)

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

[Published in the Federal Register July 28, 1970 (35 F.R. 12079)]

(T.D. 70-169)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., July 22, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period from July 13 through July 17, 1970, rate of \$0.249364.

Denmark krone:

July 13, 1970-----	\$0.133250
July 14, 1970-----	.133262
July 15, 1970-----	.133318
July 16, 1970-----	.133309
July 17, 1970-----	.133312

Hong Kong dollar:

Official rate of \$0.163750 for the period from June 22 through June 26, 1970. Free rate not available for this period.

Iran rial:

For the period from June 29 through July 3, 1970, rate of \$0.0130333.

Philippine peso:

For the period June 29 through July 3, 1970, Official rate of \$0.256410* and Free rate of \$0.159666.*

Thailand baht (tical):

For the period from June 29 through July 3, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rate.

(T.D. 70-170)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., July 24, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.

(133.121)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

TARIFF CLASSIFICATION

T.D. 70-170(1) *Articles of textile materials, nspf. Bag, fish net.*—Fish net bag made of white cotton with brass rings and drawstrings, a machine-made net article 30 inches deep, classifiable under the provision for net articles of textile materials, nspf, of cotton, in *item 386.04*, TSUS. Bureau letter dated July 14, 1970. (471.7)

T.D. 70-170(2) *Articles of textile materials, nspf. Color rings.*—Color rings, consisting of 24 pony tails of different color synthetic hair, each pony tail being a different shade of hair color and numbered by an international color number, classifiable under the provision for other articles of textile materials, of man-made fibers, in *item 389.60*, TSUS. T.D. 68-90(1), noted, which covered color rings made of human hair. Bureau letter dated July 7, 1970. (473.71)

T.D. 70-170(3) *Articles of textile materials, nspf. Light switch plate cover, adhesive.*—Self-adhering, light switch plate covers, composed of small pieces of textile materials cut and glued together in overlapping and applique fashion to form the design and caricature of a Santa Claus, with a small rectangular opening simulating the belt buckle to allow the toggle switch to protrude through, with small lines of glitter material in wavy design glued over simulated white fur edging on the hat, coat, and beard, and also with a small adhesive tape on the back surface about one inch in diameter covered by a square protective release paper, thus permitting the Santa Claus figure to be pressed onto the switch plate upon removal of the protective liner, such switch plate covers are classifiable under the provision for articles nspf, of textile materials, not ornamented; if in chief value of vegetable fibers, except cotton, in *item 387.30*, TSUS; if in chief value of cotton, in *item 386.50*, TSUS. The provision for sheets, strips, tapes, monograms, and other flat shapes or forms, which are pressure sensitive, with or without protective liners, in *item 790.55*, TSUS, is inapplicable to this merchandise since the light switch covers are not regarded as flat shapes with smooth, level, flat surfaces due to the irregular surface construction of the overlapping and applied small bits and pieces which are glued together to make up the whole figure. Bureau letter dated July 16, 1970. (492.122)

T.D. 70-170(4) *Benzenoid drugs. Intravenous solution.*—An intravenous solution of a mixture of L-amino acids, vitamins (including vitamin B₂), inorganic salts, and organic acids, used in postoperative treatment for loss of blood and in certain disease states such as cirrhosis and hepatitis, is classifiable under the provision for benzenoid medicines and drugs, in *item 407.85*, TSUS. Bureau letter dated July 16, 1970. (411.2)

T.D. 70-170(5) *Chemical mixtures, Nitriles.*—A mixture of alkyl nitriles derived by chemical alteration of various fatty acids obtained by hydrolysis of animal triglycerides, being completely composed of various nonoxygenated nitriles which contain no traces of ester linkages, classifiable under the provision for mixtures of two or more organic compounds in *items 430.00 and 425.42*, TSUS. Bureau letter dated July 15, 1970. (417.57)

T.D. 70-170(6) *Electrical articles, nspf. Water heater.*—Highway electric jug for boiling water in cars to make tea or coffee, which plugs into cigarette lighter and operates on low voltages, classifiable under the provision for electrical articles, nspf, in *item 688.40*, TSUS. Bureau letter dated July 8, 1970. (431)

T.D. 70-170(7) *Electro-medical apparatus. Cardiograph-analyzer.*—Cardiolyzers which permit mass cardiographic examinations by combining analyzing functions with those of the usual cardiograph, and which print out results in accordance with a diagnosis standard, classifiable under the provision for electro-medical apparatus in *item 709.17*, TSUS. Bureau letter dated July 9, 1970. (426.85)

T.D. 70-170(8) *Electro-medical apparatus. Radio pill.*—A radio pill consisting basically of a transducer, transmitter, and a small mercury battery, used to measure temperature, pressure, or pH of the intestinal tract of man or other mammal which swallows the pill, and a receiver which picks up the frequencies of the radio pill, compares them with the frequency of an oscillator, and shows the results on a calibrated scale, classifiable under the provision for electro-medical apparatus in *item 709.17*, TSUS. Bureau letter dated July 16, 1970. (431.51)

T.D. 70-170(9) *Enzymes and ferments.*—*Lactobacillus acidophilus* is classifiable under the provision for other ferments in *item 437.49*, TSUS. Bureau letter dated July 10, 1970. (411.4)

T.D. 70-170(10) *Hose, suitable for gases or liquids, of plastics or textiles.*—Hose constructed of an inner tube, approximately $\frac{1}{4}$ -inch in diameter, of seamless extruded nylon, covered with one or more layers of polyvinyl alcohol fiber braids and an outer cover of smooth black polyurethane, suitable for pneumatic or high pressure hydraulic lines, classifiable in accordance with the component in chief value; if in chief value of plastics, under the provision for hose suitable for gases or liquids in *item 772.65*, TSUS; or if in chief value of textiles, under the provision for hose suitable for gases or liquids, in *item 357.95*, TSUS. Bureau letter dated July 9, 1970. (465.251)

T.D. 70-170(11) *Industrial machinery for the treatment of materials by a process involving a change in temperature. Direct steam*

contact liquid heater.—A direct steam contact liquid heater having a wide field of application in many industries, including the paper, textile, and food industries, classifiable under the provisions for industrial machinery for the treatment of materials by a process involving a change in temperature, such as heating, in *item 661.70*, TSUS. Bureau letter dated July 9, 1970. (431)

T.D. 70-170(12) *Machine tools.*—Rotating cable stranding machines equipped with concentric taping heads and designed to twist strands of insulated conductors, classifiable under the provision for other machine tools in *item 674.42*, TSUS. T.D. 70-101(13), modified. Bureau letter dated July 15, 1970. (434)

T.D. 70-170(13) *Maps, atlases, and charts. Planisphere.*—A plastic disc calculator star-finding chart which, when properly aligned, provides an observer with a pictorial representation of the principal stars and constellations visible to him relative to his position for his particular time and date, classifiable under the provisions for maps, atlases, and charts, in *item 273.35*, TSUS. Bureau letter dated July 8, 1970. (484.2)

T.D. 70-170(14) *Microphones, loudspeakers, audio-frequency electric amplifiers, and electric sound amplifier sets comprised of the foregoing components. Telephone amplification equipment.*—Telephone amplification equipment consisting of a battery operated amplifier with a plastic phone cradle, and a separate, but connected, microphone/speaker unit, classifiable exclusive of the batteries, under the provision for microphones; loudspeakers, audio-frequency electric amplifiers, and electric sound amplifier sets comprised of the foregoing components, in *item 684.70*, TSUS. Bureau letter dated July 15, 1970. (431.52)

T.D. 70-170(15) *Optical medical instruments and appliances. Glass-fiber light system.*—Flexible instruments for direct visualization of the bronchial passages and for obtaining biopsies, and using an optical glass-fiber light system, described as flexible fiber-bronchoscope, classifiable under the provision for other optical medical instruments and appliances in *item 709.05*, TSUS. Bureau letter dated July 10, 1970. (426.85)

T.D. 70-170(16) *Other hand tools of iron or steel. Nut remover.*—A steel tool, used to remove rusted or corroded nuts by tightening a sharp point against the nut, thereby breaking it, classifiable under the provision for other hand tools of iron or steel, in *item 651.47*, TSUS. Bureau letter dated July 6, 1970. (424.2)

T.D. 70-170(17) *Stone suitable for use as a monumental, paving, or building stone. Hevn, sawed, dressed, polished, or otherwise manufactured. Natural pumice-lava stone.*—Stone, which is a natural blend

of pumice and lava from Peru, quarried and sawed to specific shape prior to importation, for use as a building material (both interior and exterior), classifiable under the provision for sawed stone suitable for use as building stone in *item 515.54*, TSUS. Bureau letter dated July 15, 1970. (445)

T.D. 70-170(18) *Textile articles nspf. Iron-on figure.*—An unornamented woven figure of man-made woven textile material designed to be applied by the use of an iron or other heat-employing device, is classifiable under the provision for other articles nspf, of textile materials, in *item 380.60*, TSUS. Bureau letter dated July 10, 1970. (471.7)

(T.D. 70-171)

Special tonnage tax and light money—Guyana Customs Regulations amended

Foreign discriminating duties of tonnage and impost with respect to vessels of and certain imports from Guyana suspended and discontinued; Section 4.22, Customs Regulations, amended

TREASURY DEPARTMENT,
Washington, D.C., July 22, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

The Department of State advised the Secretary of the Treasury on June 24, 1970, that on June 16, 1970, the Government of Guyana gave satisfactory evidence that no discriminating duties of tonnage or imposts have been imposed or levied in ports of Guyana upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Guyana in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by Section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects vessels of the Government of Guyana, and the produce, manufactures, or mer-

chandise imported into the United States in such vessels from Guyana or from any other foreign country. This suspension and discontinuance shall take effect from June 16, 1970, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, Section 4.22, Customs Regulations, is amended by the insertion of "Guyana" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money. (80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, section 3. 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141.)

(214.1)

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register July 31, 1970 (35 F.R. 12272)]

(T.D. 70-172)

Coastwise transportation—Customs Regulations amended

Sections 4.93 (b) (1) and 4.93 (b) (2), Customs Regulations, amended to add Brazil to the lists of countries whose registered vessels are permitted to transport certain articles coastwise

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Brazil extends to vessels of the United States in ports of Brazil, privileges reciprocal to those provided in section 4.93 of the Customs Regulations. Therefore, vessels of the Government of Brazil are permitted to transport coastwise empty cargo vans, empty lift vans, empty shipping tanks; equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel; empty instruments of international traffic exempted from application of the

customs laws by the Secretary of the Treasury pursuant to the provisions of section 322(a), Tariff Act of 1930 (19 U.S.C. 1322(a)); and stevedoring equipment and material under the conditions specified in the applicable proviso to section 27, Merchant Marine Act, 1920, as amended (46 U.S.C. 883).

Accordingly, paragraph (b)(1) of section 4.93, Customs Regulations, is amended by the insertion of "Brazil" in appropriate alphabetical order in the list of countries under that paragraph. Paragraph (b)(2) of section 4.93, Customs Regulations, is also amended by the insertion of "Brazil" in appropriate alphabetical order in the list of countries under that paragraph.

80 Stat. 379, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883).

Effective date: This amendment shall become effective on the date of its publication in the Federal Register.

(216.131)

ROBERT V. McINTYRE,
Acting Commissioner of Customs.

Approved July 24, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register August 4, 1970 (35 F.R. 12391)]

(T.D. 70-173)

Private aircraft and vessels—Overtime services

The Airport and Airway Development Act of 1970, and its applicability to charges for overtime services provided to private aircraft and vessels under various provisions of law (including section 451 of the Tariff Act of 1930, as amended)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., July 29, 1970.

Public Law 91-258 approved May 21, 1970, entitled "Airport and Airway Development Act of 1970," is set forth, in pertinent part, below.

Appropriate amendments to the regulations will be issued in the near future.

(191.9)

ROBERT V. McINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970

PART I—SHORT TITLE, ETC.

SECTION 1. SHORT TITLE.

This title may be cited as the "Airport and Airway Development Act of 1970."

* * * * *

PART III—MISCELLANEOUS

* * * * *

SEC. 53. MAXIMUM CHARGES FOR CERTAIN OVERTIME SERVICES.

(a) Notwithstanding the provisions of section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provisions of law, the maximum amount payable by the owner, operator, or agent of any private aircraft or private vessel for services performed on or after July 1, 1970, upon the request of such owner, operator, or agent, by officers and employees of the Customs Service, by officers and employees of the Immigration and Naturalization Service, by officers and employees (including an independent contractor performing inspectional services) of the Public Health Service, and by officers and employees of the Department of Agriculture, on a Sunday or holiday, or at any time after 5 o'clock postmeridian or before 8 o'clock antemeridian on a week day, in connection with the arrival in or departure from the United States of such private aircraft or vessel, shall not exceed \$25.

(b) Notwithstanding any other provision of law, no payment shall be required for services described in subsection (a) if such services are performed on a week day and an officer or employee stationed on his regular tour of duty at the place of arrival or departure is available to perform such services.

(c) Amounts payable for services described in subsection (a) shall be collected by the Department or agency providing the services and shall be deposited into the Treasury of the United States to the credit of the appropriation of that agency charged with the expense of such services.

(d) As used in this section—

(1) the term "private aircraft" means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) the term "private vessel" means any civilian vessel not being used (A) to transport persons or property for compensation or hire, or (B) in fishing operations or in processing of fish or fish products.

Approved May 21, 1970.

(T.D. 70-174)

Reimbursable services—Excess cost of preclearance operations

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., July 29, 1970.

Notice is hereby given that pursuant to section 24.18(d), Customs Regulations (19 CFR 24.18(d)), the bi-weekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning August 9, 1970.

<i>Installation</i>	<i>Bi-weekly excess cost</i>
Montreal, Canada-----	\$2,921
Toronto, Canada-----	4,481
Kindley Field, Bermuda-----	846
Nassau, Bahama Islands-----	5,898
Vancouver, Canada-----	2,154
Winnipeg, Canada-----	573
(140.5)	

ROBERT V. McINTYRE,
Acting Commissioner of Customs.

[Published in the Federal Register August 5, 1970 (35 F.R. 12485)]

(T.D. 70-175)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 3, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period July 20 through July 31, 1970, rate of
\$0.249364.

Denmark krone:

July 20, 1970	-----	\$0.133316
July 21, 1970	-----	.133318
July 22, 1970	-----	.133337
July 23, 1970	-----	.133316
July 24, 1970	-----	.133320
July 27, 1970	-----	.133316
July 28, 1970	-----	.133271
July 29, 1970	-----	.133312
July 30, 1970	-----	.133245
July 31, 1970	-----	.133275

Hong Kong dollar:

For the period June 29 through July 3, 1970, Official rate of
\$0.163750. Free rate not available.

Iran rial:

For the period July 6 through July 10, 1970, rate of
\$0.0130333.

Philippine peso:

For the period July 6 through July 10, 1970, Official rate of
\$0.256410* and the following Free rates:

July 6, 1970	-----	\$0.159666*
July 7, 1970	-----	.159666*
July 8, 1970	-----	.159666*
July 9, 1970	-----	.159500*
July 10, 1970	-----	.159500*

Thailand baht (tical):

For the period July 6 through July 10, 1970, rate of
\$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rates.

(T.D. 70-176)

Copper—Suspension of duty

Public Law 91-298 to continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 5, 1970.

Public Law 91-298, approved June 30, 1970, entitled "An act to continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper" is set forth below.

The act continues, without interruption, the temporary suspension of duties provided for in items 911.10, 911.11, 911.13, 911.14, 911.15, and 911.16, Appendix to the Tariff Schedules of the United States, to the close of June 30, 1972.

(012)

ROBERT V. McINTYRE,
Assistant Commissioner of Customs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That items 911.10 (relating to copper waste and scrap), 911.11 (relating to articles of copper), 911.13 (relating to copper bearing ores and materials), 911.14 (relating to cement copper and copper precipitates), 911.15 (relating to black copper, blister copper, and anode copper), and 911.16 (relating to other unwrought copper) of the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "6/30/70" and inserting in lieu thereof "6/30/72".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1970.

Approved June 30, 1970.

(T.D. 70-177)

Manganese ore—Suspension of duty

Public Law 91-306 to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products, and for other purposes

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 5, 1970.

Section 1 of Public Law 91-306, approved July 6, 1970, entitled "An act to continue until the close of June 30, 1973, the existing sus-

pension of duties on manganese ore (including ferruginous ore) and related products, and for other purposes," is set forth below.

The act continues, without interruption, the temporary suspension of duty provided for in item 911.07, Appendix to the Tariff Schedules of the United States, to the close of June 30, 1973.

(012)

ROBERT V. MCINTYRE,

Assistant Commissioner of Customs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 911.07 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "6/30/70" and inserting in lieu thereof "6/30/73".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1970.

SEC. 2. (a) (1) Section 1006 of the Social Security Amendments of 1969 is amended by—

(A) inserting "(1)" immediately after "paid to any individual";

(B) striking out "(1)" and inserting in lieu thereof "(A)";

(C) striking out "(2)" and inserting in lieu thereof "(B)"; and

(D) by inserting immediately before the period at the end thereof the following: "; or (2) as annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, if such amount is paid in a lump-sum to carry out any retroactive increase in annuities or pensions payable under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935 brought about by reason of the enactment (after May 30, 1970 and prior to December 31, 1970) of any Act which increases, retroactively, the amount of such annuities or pensions".

(2) The heading to such section 1006 is amended by inserting immediately before the period at the end thereof the following: "AND OF RAILROAD RETIREMENT BENEFIT INCREASE".

(b) (1) Section 1007 of the Social Security Amendments of 1969 is amended by—

(A) striking out "July 1970" and inserting in lieu thereof "November 1970";

(B) inserting "(1)" immediately after "also receives in such month";

(C) inserting immediately before the period at the end thereof the following: "; or (2) a monthly payment of annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935 which is increased as a result of the enactment (after May 30, 1970, and before December 31, 1970) of any Act which provides general increases in the amount of the annuities or pensions payable under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, the sum of the aid

or assistance received by him for such month, plus the monthly amount of such annuity or pension received by him in such month (not including any part of such annuity or pension which is disregarded under section 1006), shall (except as otherwise provided in the succeeding sentence) exceed the sum of the aid or assistance which would have been received by him for such month under such plan as in effect for March 1970, plus the monthly annuity or pension which would have been received by him in such month without regard to the provisions of the Act enacted by such enactment, by an amount equal to \$4 or (if less) to such increase in his monthly annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935 (whether such excess is brought about by disregarding a portion of such annuity or pension or otherwise)"; and

(D) by adding at the end thereof the following new sentence: "If, in the case of any individual, the provisions of both clauses (1) and (2) of the preceding sentence are applicable to him with respect to any month, any increase in the annuity or pension (referred to in clause (2) of the preceding sentence) of such individual for such month shall, for purposes of such sentence, be treated as an additional increase in the amount of his monthly insurance benefit under title II of the Social Security Act for such month in lieu of an increase for such month in his annuity or pension (as so referred to)."

(2) The heading to such section 1007 is amended by inserting "AND RAILROAD RETIREMENT RECIPIENTS" immediately after "RECIPIENTS".

Approved July 6, 1970.

(T.D. 70-178)

Instruments of international traffic

Components and parts imported solely for the assembly of communications satellites that will be launched in the United States or satellites assembled abroad to be launched in the United States

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 7, 1970.

It has been established to the satisfaction of the Bureau that communications satellites and components and parts for such satellites, to be launched in the United States for use in a global communications satellite system, are substantial and designed for and capable of repeated use in international traffic.

Under the authority of section 10.41(a), Customs Regulations, I hereby designate the above-mentioned articles as "instruments of

international traffic" within the meaning of section 322(a), Tariff Act of 1930. These articles may be released under the procedures provided for in section 10.41a.

(542.112)

MYLES J. AMBROSE,
Commissioner of Customs.

[Published in the Federal Register August 15, 1970 (35 F.R. 13032)]

(T.D. 70-179)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 11, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period August 3 through August 7, 1970, rate of \$0.249364.

Denmark krone:

August 3, 1970-----	\$0.133221
August 4, 1970-----	.133228
August 5, 1970-----	.133254
August 6, 1970-----	.133234
August 7, 1970-----	.133237

Hong Kong dollar:

For the period July 6 through July 10, 1970, rate of \$0.163750, and the following Free rates:

July 6, 1970-----	\$0.164541
July 7, 1970-----	.164439
July 8, 1970-----	.164338
July 9, 1970-----	.164338
July 10, 1970-----	.164169

Iran rial:

For the period July 13 through July 17, 1970, rate of \$0.0130333.

Philippine peso:

For the period July 13 through July 17, 1970, Official rate of \$0.256410* and the following Free rates:

July 13, 1970-----	\$0.159500*
July 14, 1970-----	.159500*
July 15, 1970-----	.159166*
July 16, 1970-----	.159166*
July 17, 1970-----	.159033*

Thailand baht (tical):

For the period July 13 through July 17, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rates

(T.D. 70-180)

Rules of the United States Customs Court

Rules of the United States Customs Court in effect on October 1, 1970

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 20, 1970.

There is published for information and guidance the appended Rules of the United States Customs Court, adopted April 25, 1949, as amended and in effect on October 1, 1970.

(344.15)

MYLES J. AMBROSE,
Commissioner of Customs.

**RULES
OF
THE UNITED STATES
CUSTOMS COURT**

**ADOPTED APRIL 25, 1949, AS
AMENDED AND IN EFFECT ON
OCTOBER 1, 1970**



UNITED STATES CUSTOMS COURT

CHIEF JUDGE

HON. PAUL P. RAO

JUDGES

HON. MORGAN FORD
HON. SCOVEL RICHARDSON
HON. FREDERICK LANDIS
HON. JAMES L. WATSON
HON. HERBERT N. MALETZ
HON. BERNARD NEWMAN
HON. SAMUEL M. ROSENSTEIN
HON. EDWARD D. RE

SENIOR JUDGES

HON. CHARLES D. LAWRENCE
HON. DAVID J. WILSON
HON. MARY H. DONLON

JOSEPH E. LOMBARDI, Clerk
DANTE A. ROBILOTTI, Marshal

NOTICE

The rules of the court, as adopted on August 3, 1970, and effective October 1, 1970, are being published in this issue of the Customs Bulletin in order to permit the most extensive distribution of the rules at the earliest possible time.

The court has arranged for the publication of the rules in loose-leaf format for insertion and use in a ring binder. When available, the rules will be distributed to all members of the bar of the court requesting copies and, as the supply permits, to other interested parties requesting copies.

Request for copies of the rules should be sent to the Office of the Clerk of the Court, United States Customs Court, One Federal Plaza, New York, N.Y. 10007.

The rules, table of contents, and index are subject to correction for typographical or other errors or omissions. Any such errors should be brought to the attention of the clerk of the court in order to permit corrections to be made prior to the reprinting of the rules in loose-leaf format.

ADDRESS, BUSINESS HOURS, AND LOCATION OF COURTROOMS

Office of the Court: The office of the United States Customs Court and of the clerk of the court is located at the United States Customs Courthouse, One Federal Plaza, New York, N.Y. 10007.

Mailing address: All mail and other communications sent to the court must be addressed to:

Office of the Clerk of the Court
United States Customs Court
One Federal Plaza
New York, N.Y. 10007

Telephone number: The telephone number of the court at its office in New York City is: (212) 284-2800.

Business hours: The office of the clerk of the court is open for the transaction of business and the receipt of papers every day, except Saturdays, Sundays and legal holidays, from 9:00 A.M. to 4:30 P.M. (For legal holidays see Rule 3.6)

Courtroom facilities: In addition to the courtrooms located at the United States Customs Courthouse in New York City, the court also maintains courtrooms in the cities listed below, and does arrange for the use of courtrooms in other places where suitable courtroom facilities are available.

BALTIMORE:

United States Customs Building
Courtroom No. 707-709
Bay, Lombard & Water Streets
Baltimore, Maryland 21202

CHICAGO:

Courthouse Building
Courtroom No. 707
610 South Canal Street
Chicago, Illinois 60607

HOUSTON:

United States Courthouse Building
515 Rusk Avenue
Houston, Texas 77002

LOS ANGELES:

Federal Building
300 North Los Angeles Street
Los Angeles, California 90012

PHILADELPHIA:

United States Customs Building
Courtroom No. 300
Second & Chestnut Streets
Philadelphia, Pennsylvania 19106

SAN FRANCISCO:

United States Appraisers Building
Courtroom No. 421
630 Sansome Street
San Francisco, California 94111

SAN JUAN:

Customhouse Building
La Pontilla
San Juan, Puerto Rico 00904

SEATTLE:

Federal Office Building
Courtroom No. 117
First Avenue & Madison Street
Seattle, Washington 98104

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I. RULES OF THE UNITED STATES CUSTOMS COURT

RULE 1.1 SCOPE OF RULES; CONSTRUCTION; EFFECTIVE DATE

(a) *Effective Date*: These rules shall become effective on October 1, 1970.

(b) *Scope and Construction*: These rules govern all proceedings in the United States Customs Court and shall be so construed as to promote the just, speedy, and inexpensive determination of every action. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except as provided for in Rule 14.9(b). Where, in any proceeding or in any instance, there is no applicable rule of procedure, the judge or judges, before whom the action is pending, may prescribe the same.

II. THE COURT

RULE 2.1 THE COURT NAME, SEAL, AND TERM

(a) *Name*: The name of the court, as fixed by 28 U.S.C. § 251, is "United States Customs Court."

(b) *Seal*: The seal of the court shall contain the words "United States Customs Court" on the outer edge and a figure of Justice with the balance scales engraved in the center with the word "seal" thereunder.

(Here appears a facsimile of the seal.)



(c) *Annual Term*: The annual term of the court shall commence on the second Monday in September of each year and shall continue until the commencement of the next succeeding term.

RULE 2.2 SESSIONS OF THE COURT

(a) *In the United States*: An action shall be assigned by the chief judge to a judge or judges for purposes of trial, evidentiary hearing, or oral argument of a dispositive motion, at such time and in such place as the chief judge may designate in accordance with the provisions of 28 U.S.C. § 256(a).

(b) *Evidentiary Hearings in Foreign Countries*:

(1) A judge of the court may preside at an evidentiary hearing in a foreign country when the chief judge, either on his own initiative or upon motion of a party, so authorizes.

(2) The chief judge shall grant such authorization only if he finds that the laws of the foreign country do not prohibit such a hearing and the interests of economy, efficiency and justice will be served by such a hearing.

(3) Before issuing an authorization for a hearing, the chief judge shall request the Department of State to advise whether or not the foreign country objects to holding the evidentiary hearings within its boundaries.

(4) Within 10 days after the chief judge has issued an order authorizing an evidentiary hearing in a foreign country, any party to the action may file an interlocutory appeal from such order, pursuant to the provisions of 28 U.S.C. § 1541(b).

RULE 2.3 ASSIGNMENT OF ACTIONS

(a) *Assignment*: An action shall be assigned by the chief judge for trial upon the filing of a notice of trial pursuant to Rule 9.1. Upon motion of either party and for good cause shown, or upon his own initiative, the chief judge may assign an action prior to the filing of a notice of trial.

(b) *Reassignment*: An action may be reassigned by the chief judge upon the death, resignation, retirement, illness or disqualification of the judge to whom it has been assigned, or upon other special circumstances which may warrant reassignment.

III. COMMENCEMENT OF ACTION; SUMMONS; COMPUTATION OF TIME

RULE 3.1 FORMS OF ACTION

(a) *Civil Action Under 28 U.S.C. § 2632, as Amended*: An action which is commenced in the United States Customs Court by the filing of a summons pursuant to 28 U.S.C. § 2632, as amended, shall be known as a civil action.

(b) *Appeal for Reappraisal*: An action arising in the United States Customs Court filed pursuant to section 501 or section 516(a) of the Tariff Act of 1930, as amended (19 U.S.C. § 1501 or § 1516(a), as amended) and forwarded to the court pursuant to section 501 or section 516(c) of said amended act (19 U.S.C. § 1501 or § 1516(c), as amended), shall be known as an appeal for reappraisal.

(c) *Protest*: An action arising in the United States Customs Court filed pursuant to section 514 or section 516(b) of the Tariff Act of 1930, as amended (19 U.S.C. § 1514 or § 1516(b), as amended) and forwarded to the court pursuant to section 515 or section 516(c) of said amended act (19 U.S.C. § 1515 or § 1516(c), as amended) shall be known as a protest.

RULE 3.2 COMMENCEMENT OF ACTION

(a) *Summons: Filing; Fee*: A civil action is commenced by a party to contest denial of a protest under section 515 of the Tariff Act of 1930, as amended (19 U.S.C. § 1515, as amended), or a decision of the Secretary of the Treasury under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. § 1516, as amended), by filing a summons with the clerk of the court and by paying to him a filing fee of \$5.

(b) *Summons: By Whom Filed*: A summons in an action commenced by an individual in his own behalf may be filed by such individual, or by an attorney admitted to practice before this court. A summons in an action commenced by a corporation, partnership or other voluntary association may be filed only by an attorney admitted to practice before this court.

(c) *Summons: Number of Copies*:

(1) An original and 4 copies of the summons shall be filed with the clerk in an action commenced to contest denial of a protest under section 515 of the Tariff Act of 1930, as amended (19 U.S.C. § 1515, as amended), *Provided*, that when the action includes, as permitted by Rule 3.3(b), protests denied at more than one port of entry, an additional copy of the summons shall be filed at the same time for each such different port of entry.

(2) An original and 5 copies of the summons shall be filed with the clerk in an action commenced to contest a decision of the Secretary of the Treasury under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. § 1516, as amended), *Provided*, that when the action includes entries involving more than one consignee or agent, or more than one port of entry, an additional copy of the summons shall be filed at the same time for each such different consignee or agent and for each such different port of entry.

(d) *Summons: Date of Filing; Motion to Correct:*

(1) The records of the clerk, including the date of receipt stamped on the summons, shall be final and conclusive evidence of the date on which a summons was filed unless a motion to correct the record is made and granted pursuant to subparagraph (2) of this paragraph (d).

(2) A party who contends that the effective filing date of a summons should be a date other than the date shown in the records of the clerk may seek a corrective order by motion made pursuant to Rule 4.12, and the court may, upon satisfactory proof that the records of the clerk with respect to the filing date were incorrect, order the record corrected.

(3) When a summons is received through the mail by the clerk after the last date allowed by a statute of limitations for the commencement of an action, the court may, upon motion made pursuant to subparagraph (2) of this paragraph (d), order the summons to be deemed to have been filed on the last date allowed if it is shown upon satisfactory proof that: the summons was sent by registered or certified mail, properly addressed to the clerk of the court at One Federal Plaza, New York, New York 10007, with return receipt requested; that it was deposited in the mail sufficiently in advance of the last date allowed for filing to provide for receipt by the clerk on or before such date in the ordinary course of the mail; and that the person sending the summons exercised no control over the mailing between the deposit of the summons in the mail and its delivery.

(e) *Summons: Service:* Upon filing of a summons it shall be signed by the clerk under the seal of the court and the clerk shall return a copy, together with a receipt for payment of the filing fee, to the person who filed the summons, and shall make service of the summons as follows:

(1) When the United States is an adverse party, upon the Attorney General, by delivery or by mailing a copy to the Chief, Customs Section, Department of Justice; and upon the Secretary of the Treasury, by delivery or by mailing a copy to the Assistant Chief Counsel for Customs Court Litigation, Bureau of Customs, and by delivery or by mailing a copy to the district director for the customs district in which the protest was denied.

(2) When a civil action is commenced to contest a decision of the Secretary of the Treasury under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. § 1516, as amended), the clerk shall also deliver or mail a copy of the summons to the consignee or agent of the consignee involved in each entry which is the subject of the civil action.

(f) *Documents Furnished:* Upon service of the summons on the Secretary of the Treasury or his designee, the appropriate customs

officer shall, in accordance with 28 U.S.C. § 2632(f), as amended, forthwith transmit the following items, if they exist, to the court as part of the official record of the civil action:

- (1) consumption or other entry;
- (2) commercial invoice;
- (3) special Customs invoice;
- (4) copy of protest;
- (5) copy of denial of protest in whole or in part;
- (6) importer's exhibits;
- (7) official samples;
- (8) any official laboratory reports; and
- (9) the summary sheet.

If any of the aforesaid items do not exist in the particular action, an affirmative statement to that effect shall be transmitted as part of the official record.

RULE 3.3 DENIED PROTEST; SINGLE CIVIL ACTION

(a) *Single Civil Action*: Only one civil action may be commenced to contest the denial of a single protest and, except as otherwise provided in paragraph (b) of this rule, only one denied protest may be included in a single civil action. However, separate summonses filed by different authorized persons with respect to any one category of merchandise that is the subject of the same denied protest shall be deemed to be part of a single civil action.

(b) *Common Issue; More Than One Protest*: A single importer contesting denial of more than one protest filed by him or by an authorized person in his behalf may include, at the same time, in a single civil action, any number of such denied protests when all such denied protests involved the same category of merchandise and involve a common issue or issues.

(c) *Improperly Included Protests*: Whenever it appears to the court that one or more denied protests were improperly included in a civil action, any such improperly included protest shall, after affording the parties an opportunity to be heard, be severed from the civil action and dismissed, unless: within 30 days from the order of severance, plaintiff perfects a separate civil action for each such improperly included denied protest by filing a separate summons in the form, manner and with the content as prescribed by these rules; and pays to the clerk of the court a filing fee of \$5 for each such separate summons together with, in the discretion of the court, costs not to exceed \$10.

RULE 3.4 SUMMONS—DENIED PROTEST: FORM AND CONTENT

(a) *Form and Content: General:* A summons in a civil action commenced to contest the denial of a protest under section 515 of the Tariff Act of 1930, as amended (19 U.S.C. § 1515, as amended) shall be substantially in the form as shown in Appendix A and shall set forth:

- (1) the name of the plaintiff;
- (2) with respect to each denied protest included in the civil action, the protest number, the date the protest was filed, and the date the protest was denied by mailing of a notice of denial or by operation of law;
- (3) with respect to each entry of merchandise involved in a denied protest included in the civil action, the port of entry, the entry number, and the date of entry;
- (4) with respect to each category of merchandise covered by an entry involved in a denied protest included in the civil action, the name of each such category of merchandise with respect to which the denial of the protest is contested in the civil action;
- (5) a statement that each denied protest included in the civil action was filed and denied as prescribed by law, and that all liquidated duties, charges or exactions were paid at the port of entry unless otherwise shown, which statement shall be signed by the attorney filing the summons, or by an individual filing the summons in his own behalf;
- (6) the name, post office address, and telephone number of the attorney filing the summons or of an individual filing the summons in his own behalf; and
- (7) with respect to each denied protest included in the civil action, the address of the district director for the customs district in which the protest was denied.

(b) *Appraised Value:* When the administrative decision contested in the civil action involved the appraised value of merchandise, the summons shall also set forth:

- (1) a statement of the appraised value and the statutory basis believed to have been used; and
- (2) the statement of value and the statutory basis which was claimed in the protest to be proper.

(c) *Classification, Rate or Amount:* When the administrative decision contested in the civil action involved the classification of merchandise or rate of duty assessed thereon, the summons shall also set forth:

- (1) the paragraph or item number under which the merchandise was classified, and the rate of duty which was assessed; and

(2) the paragraph or item number under which the merchandise was claimed in the protest to be subject to classification and the rate of duty which was claimed in the protest to be applicable.

(d) *Other*: When any other administrative decision is contested in the civil action, the summons shall also set forth:

- (1) the specific nature of the other administrative decision as listed in 28 U.S.C. § 1582 (a), as amended; and
- (2) the claim which was made in the protest.

RULE 3.5 SUMMONS—AMERICAN MANUFACTURERS', PRODUCERS', OR WHOLESALESAERS' ACTIONS: FORM AND CONTENT

(a) *Form and Content: General*: A summons in a civil action commenced to contest a decision of the Secretary of the Treasury under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. § 1516, as amended) shall be substantially in the form as shown in Appendix B and shall set forth:

- (1) the name and status of the plaintiff;
- (2) with respect to each entry of merchandise included in the civil action, the date of mailing of the notice of liquidation sent pursuant to section 516(c) of the Tariff Act of 1930, as amended (19 U.S.C. § 1516(c), as amended);
- (3) with respect to each entry of merchandise included in the civil action, the port of entry, the entry number, and the date of entry;
- (4) a description of the designated imported merchandise;
- (5) the name, signature, post office address, and telephone number of the attorney filing the summons or of the individual filing the summons in his own behalf;
- (6) with respect to each entry of merchandise included in the civil action, the name and address of the consignee or his agent; and
- (7) with respect to each entry of merchandise included in the civil action, the address of the district director for the customs district in which the entry was liquidated.

(b) *Appraised Value*: When the decision contested in the civil action involved the appraised value of merchandise, the summons shall also set forth:

- (1) a statement of the appraised value and the statutory basis believed to have been used; and
- (2) the statement of value and the statutory basis which was claimed in the petition to be proper.

(c) *Classification, Rate or Amount*: When the decision contested in the civil action involved the classification of merchandise or rate of duty assessed thereon, the summons shall also set forth:

- (1) the item number under which the merchandise was classified and the rate of duty which was assessed; and

(2) the item number under which the merchandise was claimed in the petition to be subject to classification, and the rate of duty which was claimed in the petition to be applicable.

RULE 3.6 TIME

(a) *Computation:* In computing any period of time prescribed or allowed by these rules, or by order of the court, the date of the act, event, or default from which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday,* in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

(b) *Enlargement:*

(1) When, by these rules or by a notice given thereunder or by order of the court, an act is required or allowed to be done at or within a specified time, the court may, upon motion under Rule 4.12 stating good cause for such action, order the period enlarged.

(2) Every motion for enlargement of time must set forth therein the specific number of additional days requested, the date to which the enlargement is to run, the extent to which the time for the performance of the particular act has been previously enlarged and the reason or reasons upon which the motion for enlargement is based, and must be filed within the period allowed for the performance of the act to which the motion relates (including any previous enlargement of time), *Provided*, that the foregoing requirement as to filing may be waived by the court upon a showing, in a separate motion for leave to file out of time, that the delay in filing was the result of excusable neglect or circumstances beyond the control of the party.

(c) *Additional Time After Service by Mail:* Whenever a party has the right or obligation to do some act or take some proceeding within a prescribed period after the service of a pleading, motion, or other paper upon him, and the service is made by mail, 7 days shall be added to the prescribed period.

(d) *When Time Begins to Run:* In computing any period of time prescribed by these rules, or by order of the court, the period of time shall commence to run on the day after the date of service of a plead-

*Effective January 1, 1971, the legal holidays are: New Years' Day, January 1; Washington's Birthday, third Monday in February; Memorial Day, last Monday in May; Independence Day, July 4; Labor Day, first Monday in September; Columbus Day, second Monday in October; Veterans Day, fourth Monday in October; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and any other day designated as a holiday by the President or the Congress of the United States.

ing, motion, or other paper unless otherwise particularly specified in these rules.

IV. PLEADINGS; MOTIONS

RULE 4.1 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(a) *Service*: Every order required by its terms to be served, every pleading, written motion, written notice, appearance, brief, and other papers, shall be served upon each of the parties affected thereby and filed with the court in the following manner:

(1) upon the court, by filing the original thereof and such copies as may be required by these rules;

(2) upon a party other than the United States, by delivery or by mailing a copy to the attorney of record of such party at his office address;

(3) upon a party not represented by an attorney, by delivery or by mailing a copy to such party at the address noted of record;

(4) upon the United States, by delivery or by mailing a copy to the Office of the Assistant Attorney General of the United States, Chief, Customs Section, 26 Federal Plaza, New York, New York 10007.

(b) *Delivery Defined*: "Delivery" within these rules means handling a copy of the paper to be served to the attorney or party; or leaving it at his office with his clerk or other person in charge thereof; or, if the office is closed, by depositing the paper enclosed in a sealed wrapper directed to the attorney or party in his office, letterbox or drop.

(c) *Mailing Defined*: "Mailing" within these rules means depositing in the United States mail, properly addressed, with adequate postage affixed thereto. Service by mail is completed upon mailing.

(d) *Proof of Service*: Papers presented for filing shall contain an acknowledgment of service by the person served or proof of service in the form of a statement of the date and manner of service and of the name of the person served, certified by the person who made service. Proof of service may appear on or be affixed to the papers filed. The clerk may permit papers to be filed without acknowledgment or proof of service but shall require such to be filed promptly thereafter.

(e) *Filing*: The filing of pleadings and other papers with the court as required by these rules may be made by delivery or by mailing to the clerk of the court at One Federal Plaza, New York, New York 10007, or, at places other than New York, with his appointed deputy clerk, where such pleadings or other papers relate to an action scheduled to be heard at that place. Filing is completed upon receipt by the clerk or his appointed deputy clerk.

(f) *Date of Filing; Motion to Correct*: The provisions of Rule 3.2(d), concerning the date of filing and motion to correct, applicable to summonses, shall also be applicable to pleadings and other papers.

RULE 4.2 GENERAL RULES OF PLEADING: ALTERNATIVE CLAIMS

(a) Each statement made in a pleading shall be simple, concise and direct.

(b) A party may set forth two or more claims or defenses alternatively, regardless of consistency.

(c) All statements shall be made subject to the obligations set forth in Rule 4.11(c).

(d) All pleadings shall be so construed as to do substantial justice.

RULE 4.3 FORM OF PLEADINGS

(a) *Caption; Names of Parties; Designation; Pagination*: Every pleading and other paper to be filed with the clerk shall contain a caption in large and distinct type setting forth the name of this court, UNITED STATES CUSTOMS COURT, the title of the action, the court file number, and a designation showing the nature of the pleading or other paper. In the complaint the title of the action shall include the names of all the parties, but in subsequent pleadings or papers it is sufficient to state the name of the first party on each side with an appropriate indication of other parties. The pagination of each pleading or other paper shall commence with page 1.

(b) *Paragraphs; Separate Statements*: All averments of claim or defense shall be made in numbered paragraphs. The contents of each paragraph shall be limited as far as practicable to a statement of a single set of circumstances. A paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense, other than denials, shall be stated in a separate count or defense, whenever a separation facilitates the clear presentation of the matter set forth.

(c) *Adoption by Reference; Exhibits*: Statements in a pleading may be adopted by reference in a different part of the same pleading, or in another pleading, or in any motion. A copy of any written instrument which is an exhibit to a pleading is part thereof for all purposes, unless otherwise indicated, but the adverse party shall not be deemed to have admitted the truth of the allegations in such exhibit merely because he has failed to deny them explicitly.

RULE 4.4 PLEADINGS

(a) *Filing of Complaint and Answer*: A plaintiff who desires to try or otherwise prosecute an action shall serve upon the opposite

party and file with the court a complaint to which an answer shall be filed. There shall be a reply to an alternative claim or a counterclaim contained in an answer. No other pleading shall be allowed, except that the court may order a reply to an answer.

(b) *Demand for a Complaint*: A defendant who desires to have an action tried or otherwise prosecuted shall serve upon the opposite party and file with the court a demand for a complaint. Upon the service and filing of such demand, the plaintiff, in the absence of other disposition, shall serve upon the opposite party and file with the court a complaint within the time period prescribed by Rule 4.7 for filing an answer.

RULE 4.5 CONTENT OF COMPLAINT IN A CIVIL ACTION PURSUANT TO 28 U.S.C. § 2632, AS AMENDED

(a) *General*: The complaint in a civil action shall set forth:

- (1) a statement of plaintiff's standing in the action;
- (2) the date of liquidation or the date of other disputed customs decision, the date and place where the protest was filed, and the date of denial of the protest;
- (3) a statement, when appropriate, that all liquidated duties have been paid;
- (4) a description of the merchandise involved;
- (5) a specification of the contested customs decision or decisions; and
- (6) a demand for judgment for the relief to which plaintiff deems himself entitled.

(b) *Value*: If the contested customs decision involves the value of merchandise, the complaint shall also set forth:

- (1) the date and country of exportation;
- (2) a statement of the appraised value or values;
- (3) a statement of the claimed statutory basis or bases of value;
- (4) a statement of the amount or amounts of the unit value claimed to be the correct value or values, or a statement of how the claimed value may be computed; and
- (5) concise allegations of plaintiff's contentions of fact and law in support of the above.

(c) *Classification*: If the contested customs decision involves the classification of merchandise, the complaint shall also set forth:

- (1) the tariff paragraph or item number of the statute, including all modifications and amendments thereof, under which the merchandise was classified, and the rate of duty imposed;
- (2) the tariff description and the paragraph or item number of the statute, including all modifications and amendments thereof,

under which the merchandise is claimed to be properly subject to classification and the rate of duty claimed to be applicable; and

(3) concise allegations of plaintiff's contentions of fact and law in support of the above.

(d) *Other*: If the contested customs decision involves any other customs decision, the complaint shall also set forth:

(1) a statement of the nature of the alleged error in the customs decision; and

(2) concise allegations of plaintiff's contentions of fact and law in support of his position.

RULE 4.5A CONTENT OF COMPLAINT IN AN APPEAL FOR REAPPRAISEMENT

The complaint in an appeal for reappraisal shall set forth:

(1) a statement of plaintiff's standing in the action;

(2) the date of appraisal or notice of appraisal, whichever is appropriate;

(3) the place where the appeal for reappraisal was filed and the date it was received;

(4) a description of the merchandise involved;

(5) the date and country of exportation;

(6) a statement of the appraised value or values;

(7) a statement of the claimed statutory basis or bases of value;

(8) a statement of the amount or amounts of the unit value claimed to be the correct value or values;

(9) concise allegations of plaintiff's contentions of fact and law in support of the claimed statutory basis or bases of value and the claimed unit value or values; and

(10) a demand for judgment for the relief to which plaintiff deems himself entitled.

RULE 4.5B CONTENT OF COMPLAINT IN A PROTEST

The complaint in a protest shall set forth:

(1) a statement of plaintiff's standing in the action;

(2) the date of liquidation or other customs decision complained of;

(3) the date and place where the protest was filed;

(4) a statement, where appropriate, that all liquidated duties have been paid;

(5) a statement of the customs decision complained of, including, where appropriate, the tariff description and the paragraph or item number of the statute, including all modifications and amend-

ments thereof, under which the merchandise was classified and the rate of duty imposed;

(6) a statement of the nature of the alleged error in the customs decision;

(7) where appropriate, the tariff description and the paragraph or item number of the statute, including all modifications and amendments thereof, under which the merchandise is claimed to be properly subject to classification and the rate of duty claimed to be applicable;

(8) concise allegations of plaintiff's contentions of fact and law in support of his position; and

(9) a demand for judgment for the relief to which plaintiff deems himself entitled.

RULE 4.6 CONTENT OF ANSWER

(a) *General*: The answer to a complaint shall:

(1) admit or deny in separately numbered paragraphs, corresponding to the paragraphs of the complaint, the allegations in the complaint;

(2) if there is a denial of an allegation, contain a concise statement of the defendant's contention as to the facts or law concerning the matter denied; and

(3) if the information known or readily obtainable by defendant is insufficient to enable it to form a belief as to the truth of an averment, the answer shall so state and such statement shall have the effect of a denial.

(b) *Value*: If the action involves the value of merchandise, the answer shall also set forth:

(1) an affirmative statement of the statutory basis or bases of appraisement; and

(2) if the defendant claims a basis or bases of value or an amount or amounts of unit values different from the appraised basis or amount, such different basis or amount.

(c) *Classification*: If the defendant claims a classification or rate of duty different from the liquidation classification or assessed rate, the answer shall also set forth such different classification or rate of duty.

RULE 4.7 DEFENSES AND OBJECTIONS: WHEN AND HOW PRESENTED

(a) *Time for Answer and Reply*:

(1) Except as otherwise provided in these rules, defendant shall file its answer within 60 days after the service of the complaint.

(2) Except as otherwise provided in these rules, the service of a motion permitted under this rule shall modify the above period of time as follows: If the court denies the motion or postpones its disposition until the trial on the merits, the answer shall be served within 30 days after service by the clerk of the order of the court or within the time remaining to answer as provided under subparagraph (1) of this paragraph (a), whichever is longer.

(3) If the court grants a motion for a more definite statement under paragraph (d) of this rule, the answer shall be served within 30 days after the service of the more definite statement.

(4) When these rules provide for the filing of a reply to an answer, the reply shall be filed within 30 days after service of the answer.

(b) *Defenses: How Presented:* The following jurisdictional defenses, at the option of the pleader, may be made by a motion to dismiss: (1) that plaintiff has no standing in the matter; (2) lack of jurisdiction of the subject matter; and (3) failure to perform conditions precedent. A motion making any of these defenses may be made before answer.

(c) *Preliminary Hearings:* Any party may move before trial for a separate hearing and determination of the defenses enumerated (1), (2), and (3) in paragraph (b) of this rule.

(d) *Motion for More Definite Statement:* Any party may move for an order to make any pleading more definite and certain. The motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the court is not obeyed within 30 days after service by the clerk of the order of the court or such other time as the court may fix, the court may strike the pleading to which the motion was directed or make such other order as it deems just.

(e) *Motion to Strike:* Upon motion of defendant before answer, or upon motion of plaintiff within 30 days after the service of the answer upon him, or upon the court's own motion at any time, the court may order stricken from the complaint or answer any redundant, immaterial, impertinent, or scandalous matter.

(f) *Waiver of Defenses:* Except for jurisdictional defenses, a party waives all defenses not set forth in its answer or reply and objections which it does not present by motion as provided in this rule.

RULE 4.8 AMENDMENTS OF PLEADINGS

(a) *Amendments:* A party may amend his pleading once as a matter of course at any time before service on him of a responsive pleading or of a motion to dismiss. If the pleading is one to which no responsive pleading is permitted, a party may amend at any time within 30 days after the pleading is served. Otherwise, a party may amend his plead-

ing only by written consent of the adverse party or by leave of the court upon motion; and leave shall be freely given when justice requires. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading, or within 30 days after service of the amended pleading, whichever period may be the longer, unless the court orders otherwise.

(b) *Amendments to Conform to the Evidence*: When issues not raised by the pleadings are tried by express consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendments of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, even after judgment. If evidence is objected to at trial on the ground that it is not within the scope of the issues made by the pleadings, the court may allow the pleadings to be amended and shall do so freely when the presentation of the merits of the action will be served thereby and the objecting party fails to satisfy the court that the admission of such evidence will prejudice him in maintaining his action or defense upon the merits. The court shall afford the objecting party an opportunity to meet such evidence.

(c) *Form and Filing*: Every amendment of a pleading shall:

(1) include so much of the prior pleading as may be required to show clearly how the pleading is to stand amended;

(2) comply with the requirements of Rules 4.3 and 4.11 as to caption, designation, and signature;

(3) carry designation as the first, second, or subsequent amended pleading; and

(4) comply with the pertinent requirements of Rule 17.1, except that upon a proper showing, by motion filed with the clerk or during pretrial conference or at trial, that the proposed amendments are minor in character or of such brevity as to warrant the use of pasters or interlineation, the court may waive the requirements of this clause

(4) of this paragraph (c) and permit such amendments to be made by pasters or interlineation. When the requirements of clause (4) apply, the same number of copies of the amendments shall be filed as in the case of the pleading that is to stand amended.

RULE 4.9 MOTION FOR JUDGMENT ON THE PLEADINGS

After the complaint and answer are filed, any party may move for judgment on the pleadings, *Provided*, that no such motion may be filed after the action has been set for trial, except by prior order of the court upon motion. If, on a motion for judgment on the pleadings, matters outside the pleadings are presented to and are not excluded by the court, the motion shall be treated as one for summary judgment and

shall be disposed of as provided in Rule 8.2, and all parties shall be given reasonable opportunity to present all material made pertinent to such motion by Rule 8.2.

RULE 4.10 MARKED PLEADINGS

At or prior to the commencement of a trial, the attorney for the plaintiff, unless excused by the court from so doing, shall submit to the trial judge and to counsel for the opposing party a copy of the complaint marked to indicate those allegations which have been admitted or denied in whole or in part.

RULE 4.11 SIGNING OF PAPERS

(a) *Parties Other Than the United States:* Every pleading or paper of a party other than the United States represented by an attorney shall bear the typewritten name of the individual attorney who shall sign the same, and state the name, address, and telephone number of the attorney of record on the face thereof. A party who is not represented by an attorney shall set forth his post office address and telephone number in his initial pleading and shall sign his pleadings and papers.

(b) *The United States:* Every pleading of the United States shall be signed by the Chief, Customs Section, on behalf of the Assistant Attorney General, Civil Division, Department of Justice.

(c) *Effect of Signature:* The signature of an attorney or a party constitutes certification by him that he has read the pleading or paper, and that to the best of his knowledge, information, and belief there is good ground to support it. The signature of an attorney also constitutes a representation by him that he is authorized to represent the party or parties in whose behalf the pleading or paper is filed.

RULE 4.12 MOTION PRACTICE

(a) *Assignment of Motions—Motion Part:* All motions shall be filed with the clerk. When the action to which a motion pertains has been assigned to a judge or judges pursuant to Rule 2.3(a), the motion shall be referred by the clerk to that judge or judges. Otherwise, the motion shall be referred by the clerk to the motion part of the court.

(b) *Contents of Motions:* Every application to the court for an order shall be by motion which, unless made during a hearing or trial, shall be in writing, shall state the grounds therefor, shall set forth the relief or order sought, and shall be accompanied by a proposed order except where the motion is consented to by all the parties.

(c) *Time to Respond:*

(1) An objection or response to a contested motion shall be filed within 15 days after service of such motion, except that an objection or response to a dispositive motion, i.e., a motion to dismiss, a motion for judgment on the pleadings, and a motion for summary judgment, shall be filed within 30 days after service of such motion, and, except as otherwise provided in subparagraph (2) of this paragraph (c), the moving party shall have 15 days from the date of service of the objections or response to file a reply.

(2) When a motion to enlarge the time provided for in subparagraph (1) of this paragraph (c) is filed, and the court denies such a motion for enlargement of time, and less than 3 days of the unextended response time remains, the party thus denied the requested enlargement of time shall, unless the court otherwise specifically orders for good cause shown, be deemed to have complied with subparagraph (1) of this paragraph (c) by filing the response or reply within 5 days after the court enters the order denying the enlargement of time.

(d) *Briefs; Memoranda; Affidavits:* Any brief, memorandum of citation, or affidavit submitted in support of any motion, or in support of any objection or response to a motion, shall be included in or attached to each copy of such motion, objection, or response. Every dispositive motion, as defined in subparagraph (1) of paragraph (c) of this rule, shall be supported by the moving party's brief.

RULE 4.13 APPLICATION FOR THREE-JUDGE PANEL

Any party to an action may move, after issue has been joined but no later than 10 days after the filing of a notice of trial, for the designation by the chief judge of three judges of the court to hear and determine the action. Such motion shall be filed with the clerk of the court and referred to the chief judge. It shall state specifically the issue of the constitutionality of an Act of Congress, a proclamation of the President or an Executive order, or the broad or significant implications in the administration or interpretation of the customs laws claimed to be involved, and shall otherwise conform to the requirements of Rule 4.12(b). The time to respond and the filing of briefs, memoranda, and affidavits shall be governed so far as applicable by Rules 4.12(c) and (d).

V. PARTIES

RULE 5.1 AMERICAN MANUFACTURERS, PRODUCERS, OR WHOLESALERS; PRACTICE

(a) *Party in Interest:* A party in interest in an action filed under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. § 1516,

as amended) shall be deemed to be a defendant for the purposes of the application of these rules to that action.

(b) *Trial, Participation:* A party in interest who does not file responsive pleadings as required by these rules shall not be permitted to engage in the active conduct of the litigation unless, on motion for good cause shown, the court orders otherwise. If the court permits such a party to participate, the pleadings filed by the defendant, the United States, shall also be considered the pleadings of such party in interest for all purposes.

VI. DISCOVERY

RULE 6.1 GENERAL PROVISIONS GOVERNING DISCOVERY

(a) *Discovery Methods:* Except as otherwise provided by Rule 7.1, parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property for inspection and other purposes; and, requests for admissions. Unless the court orders otherwise, the frequency of use of these methods is not limited.

(b) *Scope of Discovery:* Unless otherwise ordered by the court in accordance with these rules, the scope of discovery is as follows:

(1) Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things, and the identity or location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

(2) Subject to the provisions of subparagraph (3) of this paragraph (b), a party may obtain discovery of documents and tangible things prepared in anticipation of litigation or for trial by or for another party, by or for that other party's representative (including his attorney, consultant, surety, indemnitor, insurer, or agent) only upon a showing of good cause therefor, except that a statement concerning the action or its subject matter previously given by the party or any agent of his seeking the statement may be obtained without such a showing. A statement of a party is (i) a written statement signed or otherwise adopted or approved by the party or his agent, or (ii) a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an

oral statement made by the party or his agent and contemporaneously recorded.

(3) By means of written interrogatories, in conformity with Rule 7.4, a party may require any other party to identify each person whom the other party expects to call as an expert witness, and to state the subject matter on which the expert is expected to testify.

In relation to the expert testimony to be adduced at the trial, the court, on its own motion or the motion of a party, may require the submission or exchange of statements of the proposed direct testimony of expert witnesses, in narrative or question and answer form, or summaries of experts' reports. Every such summary shall contain the substance of the report in terms of conclusions and the principal facts deemed to support the expert's conclusions.

(c) *Protective Orders*: Upon motion by any party or by the person from whom discovery is sought, and for good cause shown, the court make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including, but not limited to, one or more of the following:

- (1) that the discovery not be had;
- (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place;
- (3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery;
- (4) that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters;
- (5) that discovery be conducted with no one present except persons designated by the court;
- (6) that a deposition, after being sealed, be opened only by order of the court;
- (7) that a trade secret, or confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way;
- (8) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court.

(d) *Sequence and Timing of Discovery*: Unless the court, upon motion, for the convenience of parties and witnesses and in the interest of justice, orders otherwise, methods of discovery may be used in any sequence; and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery, *Provided*, that no measure for discovery may be initiated prior to the filing of an answer.

(e) *Supplementation of Responses*: A party who has responded to a request for discovery with a response that was complete when made

is under no duty to supplement his response to include information thereafter acquired, except as follows:

(1) A party is under a duty seasonably to supplement his response with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, and the identity of each person expected to be called as an expert witness at trial and the subject matter on which he is expected to testify.

(2) A party who knows or later learns that his response is incorrect is under a duty seasonably to correct the response.

(3) A duty to supplement responses may be imposed by order of the court, by agreement of the parties, or at any time prior to trial through request for supplementation of prior responses.

RULE 6.2 REQUEST FOR ADMISSIONS

(a) *Request for Admissions*: After an answer has been served a party may serve upon any other party a written request for admissions. A request for admissions may contain:

(1) a statement of the material matters of fact as to which it is believed that there is no substantial controversy between the parties (such statements being phrased clearly and coherently in the form of distinct propositions, with the various paragraphs and subparagraphs appropriately numbered or lettered), followed by a request that the party served admit the truth of such matters of fact; and

(2) a list accurately describing documents that are to be offered in evidence, accompanied by a written request for the admission of the genuineness of any relevant document described in and exhibited with the request or a written request that the party served consent to the admission in evidence of the documents so listed and exhibited with the request.

(b) *Response to Request for Admissions*:

(1) Each matter as to which an admission is requested shall be deemed admitted unless, within 60 days after the service thereof or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney.

(2) The reasons for each objection made shall be stated. The answer shall specifically admit or deny the matters or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission. If a party must qualify his answer or can admit only a part, he shall specify so much of it as is admitted to be true and shall qualify or deny the remainder. Lack of knowledge or information

shall not be given as a reason to fail to admit or deny unless the answering party states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny. Reasons for refusal to concede the genuineness of documents and objections to the admission of documents in evidence shall be stated in such terms as to enable the party making the request for admissions to understand the challenge and prepare to meet it if he can.

(c) *Order to Compel More Proper Answer:* The party who requested the admissions may move for an order with respect to the answers or objections. Unless the court determines that an objection is justified, it shall order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter be admitted or that an amended answer be served. The court may, in lieu of these orders, determine that final disposition of the request be made at a pretrial conference or at a designated time prior to trial.

(d) *Effect of Admission:* Any matter admitted under this rule is conclusively established for purposes of the pending action only; it does not constitute an admission by the particular party for any other purpose, and cannot be used against him in any other civil or criminal action or in any other proceeding.

(e) *Relief from Admission:* The court, on motion, may permit withdrawal of an admission if the court finds that the party seeking withdrawal acted with due diligence or that the other party will not be prejudiced thereby.

RULE 6.3 INTERROGATORIES TO PARTIES

(a) *Availability; Procedures for Use:* After an answer is filed, any party may serve upon any other party written interrogatories to be answered by the party served or, if the party served is the United States or a public or private corporation or a partnership or association, by any officer or agent, who shall furnish such information as is available to the party.

The interrogatories shall be so arranged that after each separate question there shall appear a blank space reasonably calculated to enable the answering party to have his answer typed in. The answers are to be signed by the person making them, and the objections signed by the attorney making them. The party upon whom the interrogatories have been served shall serve a copy of the answers and objections within a period designated by the party submitting the interrogatories, not less than 60 days after the service thereof or within such shorter or longer time as the court may allow. The party submitting the inter-

rogatories may move for an order under Rule 6.5 with respect to any objection to or other failure to answer an interrogatory.

(b) *Scope; Use at Trial:* Interrogatories may relate to any matters which can be inquired into under Rule 6.1 and the answers may be used to the extent permitted by the rules of evidence.

(c) *Option to Produce Business Records:* Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit, or inspection of such business records, or from a compilation, abstract, or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained, and to afford to the party serving the interrogatory reasonable opportunity to examine, audit, or inspect such records and to make copies thereof or compilations, abstracts, or summaries therefrom.

RULE 6.4 PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY UPON LAND FOR INSPECTION AND OTHER PURPOSES

(a) *Scope:* Any party may serve on any other party a request (1) to produce and permit the party making the request, or someone acting on his behalf, to inspect and copy any designated documents (including writings, drawings, graphs, charts, photographs, phonorecords, and other data compilations from which intelligence can be perceived, with or without the use of detection devices) or to inspect and copy, test, or sample any tangible things which constitute or contain matters within the scope of Rule 6.1 and which are in the possession, custody or control of the party upon whom the request is served; or (2) to permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the merchandise in issue or any designated object or operation thereon, within the scope of Rule 6.1.

(b) *Procedure:* The request may be served upon any party after answer is filed. The request shall set forth the items to be inspected either by individual item or by category, and describe each item and category with reasonable particularity. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts.

The party upon whom the request is served shall serve a written response within a period designated in the request, not less than 30 days after the service thereof or within such shorter or longer time as

the parties may agree or the court may allow. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless it is objected to, in which event the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified. The party submitting the request may move for an order under Rule 6.5 with respect to any objection to or other failure to respond to the request, or any part thereof, or any failure to permit inspection as requested.

RULE 6.5 FAILURE TO MAKE DISCOVERY: SANCTIONS

(a) *Motion for Order Compelling Discovery*: Upon reasonable notice to other parties and all persons affected thereby, a party may apply for an order compelling discovery as follows:

(1) *Motion*: (i) If a deponent or a party fails to answer a question propounded or submitted under Rules 6.3, 7.3 or 7.4, the discovering party may apply for an order compelling an answer.

(ii) If a party, in response to a request for inspection submitted under Rule 6.4, fails to respond that inspection will be permitted as requested or fails to permit inspection as requested, the discovering party may apply for an order compelling inspection in accordance with the request.

(iii) On matters relating to a deposition on oral examination, the proponent of the question may complete or adjourn the examination before he applies for an order.

(2) *Evasive or Incomplete Answer*: For purposes of this paragraph, an evasive or incomplete answer is a failure to answer.

(b) *Failure to Comply with Order*:

(1) If a deponent fails to be sworn or to answer a question after being directed to do so by the court, the failure may be considered a contempt of court.

(2) If any party or a person designated under Rule 7.3(b) (4) to testify on behalf of a party fails to obey an order to provide or permit discovery, including an order made under paragraph (a) of this rule, the court make such orders in regard to the failure as are just, including, among others, the following:

(i) an order that the matters regarding which the order was made, or any other designated facts, shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(ii) an order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;

(iii) an order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party.

(c) *Failure of Party to Attend at Deposition or Serve Answers to Interrogatories or Respond to Request for Inspection:* If a party or a person designated under Rule 7.3(b) (4) to testify on behalf of a party fails (1) to appear before the officer who is to take his deposition, after being served with a proper notice, or (2) to serve answers or objections to interrogatories submitted under Rule 6.3, after proper service of the interrogatories, or (3) to serve a written response to a request for inspection submitted under Rule 6.4, after proper service of the request, the court, on motion, may make such orders in regard to the failure as are just, and, among others, it may take any action authorized under subdivisions (i), (ii), and (iii) of subparagraph (b) (2).

The failure to act described in this paragraph may not be excused on the ground that the discovery sought is objectionable, unless the party failing to act has applied for a protective order, as provided by paragraph (c) of Rule 6.1.

VII. DEPOSITIONS

RULE 7.1 STIPULATIONS REGARDING DEPOSITION AND DISCOVERY PROCEDURE

Unless the court orders otherwise, the parties, by written stipulation filed with the clerk: (1) may so modify the procedures provided by these rules as to permit other methods of discovery; and (2) may take any deposition provided for in these rules before any person, at may be taken and used in the same manner and under the same conditions as are prescribed in these rules for depositions taken in actions depositions.

RULE 7.2 DEPOSITIONS TO PERPETUATE TESTIMONY

(a) *Pending Action:*

(1) *Motion:* A party who desires to perpetuate testimony in any action pending in the court may serve and file a motion therefor. The supporting papers shall move for an order authorizing such party to take the deposition of the persons to be examined for the purpose of perpetuating their testimony, and shall show, in addition:

(i) the subject matter of the action;

(ii) the facts which the party desires to establish by the proposed testimony and his reasons for desiring to perpetuate it;

(iii) the names and addresses of the persons to be examined and the substance of the testimony which the party expects to elicit from each; and

(iv) if notice of trial has not been filed, a reason as to the party's inability to serve and file such a notice at that time.

(2) *Order and Examination*: If the court is satisfied that the perpetuation of the testimony will prevent a failure or delay of justice, it shall make an order designating or describing the persons whose depositions may be taken and specifying the subject matter of the examination and whether the depositions shall be taken upon oral examination or written interrogatories. The deposition may then be taken in accordance with these rules.

(b) *Pending Appeal*: If an appeal from a judgment of the court has been taken, or before the taking of an appeal, if the time therefor has not expired, the judge or judges rendering the decision may allow the taking of the depositions of witnesses to perpetuate their testimony for use in the event of further proceedings before the court. In such case, the party who desires to perpetuate the testimony may make a motion before the judge or judges rendering the decision for leave to take depositions, upon the same notice and service thereof as if the action was pending before the judge or judges. The motion shall show (1) the names and addresses of the persons to be examined and the substance of the testimony which he expects to elicit from each; and (2) the reasons for perpetuating their testimony. If the court finds that the perpetuation of the testimony is proper to avoid a failure or delay of justice, the court may make orders of the character provided for in subparagraph (a) (2) of this rule and thereupon the depositions may be taken and used in the same manner and under the same conditions as are prescribed in these rules for depositions taken in actions pending before the court.

RULE 7.3 DEPOSITIONS UPON ORAL EXAMINATION

(a) *When Depositions May Be Taken*: After an answer is filed and by leave of court upon motion, any party may take the testimony of any person, including a party, by deposition upon oral examination. The attendance of witnesses may be compelled by the use of subpoena as provided in Rule 10.1.

(b) *Notice of Examination: General Requirements; Special Notice; Production of Documents and Things; Deposition of Organization*:

(1) A party desiring to take the deposition of any person upon oral examination shall file a motion giving notice in writing to every other party to the action. The motion shall state the time and place for taking the deposition and the name and address of each person to be

examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. If a subpoena *duces tecum* is to be served on the person to be examined, a designation of the materials to be produced thereunder shall be attached to or included in the motion.

(2) A motion to take the deposition of a party may be accompanied by a request for the production of documents and tangible things at the taking of the deposition.

(3) The court may, for cause shown, enlarge or shorten the time for taking the deposition.

(4) A party may in his motion name as the deponent a public or private corporation or a partnership or association or a department or agency of the United States, or a bureau, division or section of any such department or agency, and designate with reasonable particularity the matters on which examination is requested. The organization so named shall designate one or more officers, directors, or managing agents, or other persons duly authorized and qualified, to testify on its behalf as to matters known or available to the organization. This subparagraph (b) (4) does not preclude taking a deposition by any other procedure authorized in these rules.

(c) *Examination and Cross-Examination: Record of Examination; Oath; Objections:* Examination and cross-examination of witnesses may proceed as permitted at the trial under the provisions of Rule 10.4. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and shall be transcribed.

All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties may serve written questions on the party taking the deposition and require him to transmit them to the officer, who shall propound them to the witness and record the answers verbatim.

(d) *Motion to Terminate or Limit Examination:* At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the court may order the officer conducting the examination to cease from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided

in Rule 6.1 (c). If the order made terminates the examination, it shall be resumed thereafter only upon the order of the court. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

(e) *Submission to Witness; Changes; Signing:* When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer, with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing, or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 30 days of its submission to him, the officer shall sign it and state on the record, the fact of the waiver, or of the illness or absence of the witness, or the fact of the refusal to sign, together with the reasons, if any, given therefor; and the deposition may then be used as fully as though signed, unless, on a motion to suppress under Rule 7.5 (d) (3), the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(f) *Certification and Filing by Officers; Exhibits; Copies; Notice of Filing:*

(1) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of [here insert name of witness]," and shall promptly file or send it, by registered or certified mail, to the clerk of the court for filing and given prompt notice of its filing to all other parties.

Documents and things, unless objection is made to their production for inspection during the examination of the witness, shall be marked for identification and annexed to and returned with the deposition, and may be inspected and copied by any party, except that the person producing the materials may substitute copies to be marked for identification, if he affords to all parties fair opportunity to verify the copies by comparison with the originals.

(2) Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

RULE 7.4 DEPOSITIONS OF WITNESSES UPON WRITTEN INTERROGATORIES

(a) *Serving Interrogatories; Motion:* A party desiring to take the deposition of any person upon written interrogatories shall file with

the clerk of the court a motion giving notice in writing to every other party to the action. The motion shall state the name and address of the person who is to answer the interrogatories and the name or descriptive title and address of the officer before whom the deposition is to be taken and shall include a copy of the proposed interrogatories. Within 15 days after the motion is granted, an adverse party may serve cross-interrogatories. Within 10 days thereafter, redirect interrogatories may be served. Within 10 days thereafter, recross-interrogatories may be served. The court may, for cause shown, enlarge or shorten the time specified herein.

(b) *Officer to Take Responses and Prepare Record:* A copy of the order and copies of all interrogatories served shall be delivered or mailed by the clerk of the court immediately to the officer designated in the order, who shall proceed promptly, in the manner provided by Rule 7.3, to take the testimony of the witness in response to the interrogatories and to prepare, certify, and file or mail the deposition, attaching thereto the copy of the order and the interrogatories received by him, and give prompt notice of its filing to all parties.

RULE 7.5 USE OF DEPOSITIONS IN COURT PROCEEDINGS

(a) *Use of Depositions:* At the trial or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the rules of evidence applied as though the witness were then present and testifying, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(2) The deposition of a party, or of any one who at the time of taking the deposition was an officer, director, managing agent, or a person designated under Rules 7.3(b)(4) and 7.4(a) to testify on behalf of a public or private corporation, partnership, or association which is a party, may be used by an adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the court finds: that the witness is dead; that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; that the party offering the deposition has been unable to procure the attendance of the witness by a subpoena; or, upon motion, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open court, to allow the deposition to be used.

(4) If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce all of it which is relevant to the part introduced, and any party may introduce any other parts.

(5) Substitution of parties does not affect the right to use depositions previously taken.

(6) When an action in this court has been dismissed or decided and another action involving the same subject matter is afterwards tried between the same parties, or their representatives or successors in interest, all depositions lawfully taken and any duly filed in the former action may be used in the latter, as if originally taken therefor, *Provided*, that the proponent offering a deposition gives notice to the other litigants in the pending action 30 days before trial. For the purpose of this subparagraph (6), the term "party" includes the United States, the American manufacturer, producer, or wholesaler, and the party for whose account the merchandise was imported.

(b) *Objections to Admissibility*: Subject to the provisions of Rule 7.7 and subparagraph (d) (2) of this rule, objection may be made at the trial or hearing to receiving in evidence any deposition or part thereof, for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(c) *Effect of Taking or Using Depositions*: A party does not make a person his own witness for any purpose by taking his deposition. The introduction in evidence of the deposition, or any part thereof, for any purpose other than that of contradicting or impeaching the deponent makes the deponent the witness of the party introducing the deposition, but this shall not apply to the use by an adverse party of a deposition as described in subparagraph (a) (2) of this rule. At the trial or hearing, any party may rebut any relevant evidence contained in a deposition, whether introduced by him or by any other party.

(d) *Effect of Errors and Irregularities in Depositions*:

(1) *As to Disqualification of Officer*: Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(2) *As to Taking of Deposition*:

(i) Objections to the competency of a witness, or to the competency, relevancy, or materiality of testimony, are not waived by failure to make them during the taking of an oral deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(ii) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions

or answers, in the oath or affirmation, or in the conduct of parties, and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived, unless reasonable objection thereto is made at the taking of the deposition.

(iii) Objections to the form of written interrogatories submitted under Rule 7.4 are waived, unless served in writing upon the party propounding them within the time allowed for serving the succeeding cross or other interrogatories and within 10 days after service of the last interrogatories authorized.

(3) *As to Completion and Return of Deposition:* Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, indorsed, transmitted, filed, or otherwise dealt with by the officer under Rules 7.3 and 7.4, are waived, unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

RULE 7.6 PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN

(a) *Within the United States:* Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, or before a person appointed by the court. A person so appointed shall have power to administer oaths and take testimony.

(b) *In Foreign Countries:* In a foreign country, depositions may be taken (1) on notice before a person authorized to administer oaths in the place in which the examination is held, either by the law thereof or by the law of the United States, or (2) before a person commissioned by the court, and a person so commissioned shall have the power by virtue of his commission to administer any necessary oath and take testimony, or (3) pursuant to a letter rogatory issued in the name of the President of the United States under the seal of the court to take oral testimony.

(c) *Disqualification for Interest:* No deposition shall be taken before a person who is a relative or employee or attorney or counsel of any of the parties, or is a relative or employee of such attorney or counsel, or is financially interested in the action.

RULE 7.7 COMMISSIONS—LETTERS ROGATORY

(a) *How Issued:* Commissions or letters rogatory shall, except upon stipulation pursuant to Rule 7.1, be issued in the name of the President of the United States and under the seal of the court to exam-

ine witnesses resident in another country, whenever it shall appear to the satisfaction of the court that the testimony of said witnesses is necessary and important in such action, that the attendance of such witnesses cannot reasonably be had in the United States, and that the ends of justice would not warrant an oral deposition or hearing outside the United States.

(b) *When Issued*: Commissions or letters rogatory to take depositions shall be issued only upon order pursuant to a motion made in writing, after answer is filed, setting forth the names and addresses of the witnesses whose testimony is sought, the facts which are expected to be proved, the necessity for the testimony, and why their attendance at the trial cannot reasonably be had.

(c) *Cross-Interrogatories: How Served*: The proposed interrogatories shall be annexed to the motion for a commission or letters rogatory. Unless the court orders otherwise: cross-interrogatories shall be served within 15 days after the motion is granted; within 10 days after service, redirect interrogatories may be served; and within 10 days after such service, recross-interrogatories may be served.

(d) *Objections to Interrogatories*: Objections to all interrogatories may be made at the trial to the same extent and under the same conditions as provided in Rule 7.5(d), with respect to depositions on oral examination. Any objections to such interrogatories which are required to be made prior to the commission or issuance of the letters rogatory shall be served within the time provided for the next succeeding interrogatories, or in the case of recross-interrogatories, within 10 days after the service thereof.

(e) *Commissions—Letters Rogatory: To Whom Issued; Taking of Testimony; Use of Testimony*:

(1) Commissions may be issued to an American consul, or to a notary public, or other officer authorized to administer oaths by the laws of the country where the deposition is taken. Letters rogatory may be issued to a foreign or international tribunal, officer, or agency and may be addressed "To the Appropriate Judicial Authority in [here name the country]."

(2) Such commissions or letters rogatory, together with all interrogatories, shall be forwarded by the clerk of the court immediately after the time for filing objections to the last interrogatory has expired, or, if objection is made, immediately after the court's ruling on the last interrogatory becomes final, with directions to proceed promptly to take the testimony of the witness in response to all the interrogatories and to prepare, certify, and file or return the deposition to the clerk of the court, attaching thereto the commission or letters rogatory and all interrogatories received by him.

(3) The answers of each witness under oath to all interrogatories shall be in writing and subscribed to by said witness. The testimony so taken may be used in the same manner as prescribed in Rule 7.5.

(f) *Return, Notice, Filing of Deposition:* Upon the return of the deposition the clerk shall open and file it forthwith in his office and give notice thereof by mail to the parties or their respective counsel. Any written motion to suppress such deposition, or any part thereof, shall be filed with the clerk of the court within 30 days after the mailing of said notice.

RULE 7.8 COSTS

All costs, charges, and expenses, incident to taking depositions shall be borne by the party making application for the same unless otherwise provided for by stipulation or order of the court.

VIII. SUBMISSION ON AGREED STATEMENT OF FACTS; SUMMARY JUDGMENT; DISMISSAL OF ACTIONS

RULE 8.1 SUBMISSION ON AGREED STATEMENT OF FACTS

(a) *General Requirements:* Actions may be submitted at any time without briefs or formal amendment of any prior pleadings by filing with the clerk of the court a submission on agreed statement of facts, signed by the parties or their attorneys, together with a proposed decision and judgment.

(b) *Submission of Valuation Issues:* If the submission involves a valuation issue, it shall, wherever practicable, in addition to other information required by law, contain the following:

- (1) the name or invoice description of the merchandise;
- (2) the statutory basis of appraisement and the amount of the appraised value or the equivalent thereof;
- (3) the statutory basis under which the merchandise is claimed to be dutiable;
- (4) the claimed dutiable value;
- (5) a statement that the protest was filed, and the action commenced, within the time provided by law, and that all liquidated duties have been paid;* and
- (6) a statement of the facts necessary to bring the merchandise within the claimed statutory basis of value.

(c) *Submission of Issues Other Than Valuation Issues:* If the submission involves an issue other than a valuation issue it shall, wherever

*If an appeal for reappraisement is involved, there shall be a statement, in lieu of the statement required in subparagraph (5), that the appeal was filed within the time provided by law.

practicable, in addition to other information required by law, contain the following:

- (1) the name or invoice description of the merchandise;
- (2) the tariff description under which the merchandise was classified;
- (3) the tariff paragraph or item number, including all modifications and amendments thereof, under which the merchandise was classified, and the rate of duty imposed;
- (4) the tariff description under which the merchandise is claimed to be classifiable;
- (5) the tariff paragraph or item number, including all modifications and amendments thereof, under which the merchandise is claimed to be classifiable and the rate of duty claimed to be applicable;
- (6) a statement that the protest was filed, and the action commenced within the time provided by law, and that all liquidated duties have been paid;
- (7) a statement of facts sufficient to bring the merchandise within the claimed statutory provision; and
- (8) if the submission involves an issue other than the classification of, or rate of duty chargeable upon, an importation;
 - (i) a statement identifying the nature of the protested decision;
 - (ii) a concise statement of the claim or claims made with regard to the disputed decision, and the relief requested by plaintiff, and
 - (iii) a concise statement of facts sufficient to sustain the aforesaid claims as a matter of law.

(d) *Proposed Decision and Judgment*: The proposed decision and judgment shall be substantially in the form set forth in Appendix C, with appropriate additions and deletions if the action does not involve valuation and classification.

RULE 8.2 SUMMARY JUDGMENT

(a) *Motion; Time for Filing*: Subject to the provisions of paragraph (c) of this rule, a party may, at any time after a responsive pleading has been filed, move with or without supporting affidavits for a summary judgment in his favor upon all or any part of the action.

(b) *Annexation of Statement*: Upon any motion for summary judgment, there shall be annexed to the motion a separate, short and concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried. The papers opposing a motion for summary judgment shall include a separate, short and concise statement of the material facts as to which it is contended that there exists

a genuine issue to be tried. All material facts set forth in the statement required to be served by the moving party will be deemed to be admitted unless controverted by the statement required to be served by the opposing party.

(c) *When Leave is Required:* A motion for summary judgment may not be filed by any party, except by prior order of the court upon motion, (1) after the action has been set for trial, or (2) after the filing of a stipulation of the parties or a pretrial memorandum containing all of the material facts, or (3) after the filing of his response to a motion for summary judgment by an adverse party.

(d) *Motion and Proceedings Thereon:* After a motion for summary judgment has been filed and served, and after expiration of the time allowed by Rule 4.12 for filing a response thereto, such motion may, upon motion of a party or by the court on its own motion, be set down for oral argument. Judgment shall be rendered in favor of the party entitled thereto as a matter of law, if the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact.

(e) *Action Not Fully Adjudicated on Motion:* If, on motion under this rule, judgment is not rendered upon the whole action and a trial is necessary, the court may ascertain (if it is practicable to do so upon the basis of examining the pleadings and the evidence before it and interrogating counsel) what material facts exist without genuine controversy and what material facts are actually in good faith controverted. It shall thereupon, if practicable, make an order specifying the facts that appear to be without genuine controversy, and they shall be deemed established for all purposes in the action.

The court may make any other order as may aid in the disposition of the action.

(f) *Form of Affidavits; Further Testimony:* Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith, except that all papers and documents which are part of the official record of the action may be referred to in an affidavit without attaching copies, and shall be considered by the court without additional certification. The court may permit affidavits to be supplemented or opposed by depositions or by further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he

does not so respond, summary judgment, if appropriate, will be entered against him.

(g) *When Affidavits are Unavailable*: Should it appear from the affidavit of a party opposing the motion that he cannot, for reasons stated, present by affidavit facts essential to justify his opposition, the court may deny the motion for summary judgment, or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had, or may make such other order as is just.

(h) *Affidavits or Statements Made in Bad Faith*: Should it appear to the satisfaction of the court at any time that any of the affidavits or statements presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the offending party or attorney may be adjudged guilty of contempt.

RULE 8.3 DISMISSAL OF ACTIONS

(a) Voluntary Dismissal:

(1) *Before Service of Notice of Trial*: Before service of notice of trial, an action may be voluntarily abandoned and dismissed, without order of court, by filing a notice of abandonment, as follows:

(i) An original and 4 copies of the notice of abandonment shall be filed with the clerk, together with proof of service of a copy upon the opposing party as required in Rule 4.1(d).

(ii) The notice of abandonment shall be substantially in the form set forth in Appendix D and shall include, with respect to the action noticed for abandonment, the court number, the court file (reserve file, suspension file, or suspension disposition file), the Customs Bureau number (Customs protest number or Customs appeal for reappraisement number) or the protest number, and the port of entry.

(iii) A notice of abandonment may include on a schedule attached thereto more than one action, *Provided*, that all actions listed on the schedule arise from the same port of entry and are in the same court file. Where more than one port of entry is involved in the action, an additional copy of the notice of abandonment together with a separate schedule shall be filed for each such different port of entry.

(iv) When an action is abandoned by notice of abandonment, the clerk, without order of the court, shall make an appropriate entry of dismissal and forward a copy of the notice of abandonment to the parties, or their attorneys, and to the appropriate customs officer at the port of entry in which the merchandise affected thereby was imported, endorsed so as to show the fact of abandonment and the date of entry of dismissal.

(v) A motion to set aside a dismissal upon an abandonment must be in writing and filed with the clerk within 30 days from the

date of entry of said dismissal, and shall otherwise comply with the provisions of Rule 12.1.

(2) *After Service of Notice of Trial*: After service of notice of trial an action will not be dismissed at plaintiff's instance except by order of the court, upon motion to dismiss, made pursuant to and in accordance with the provisions of Rule 4.12, and upon such terms and conditions as the court deems proper.

(b) *Involuntary Dismissal*:

(1) Actions in the reserve file or suspension disposition file are subject to dismissal at the expiration of the applicable period of time in accordance with Rule 14.6 or Rule 14.7.

(2) An action in which issue has been joined, but no further proceedings have been instituted for a period of 1 year, may be dismissed by the court on its own motion for lack of prosecution unless good cause has been shown.

(3) For failure of the plaintiff to comply with these rules or with any order of the court, the defendant may move that the court dismiss the action.

(4) Whenever it shall appear that an action is not being prosecuted with due diligence, the court may, either upon its own motion or upon the motion of the defendant, enter an order dismissing the action for lack of prosecution.

(c) *Insufficiency of Evidence*: After the plaintiff has completed the presentation of his evidence, the defendant may, by motion, ask for a dismissal of the action on the ground that on the facts and the law plaintiff has failed to prove a *prima facie* case. The court shall immediately thereafter rule on the motion before permitting any further proceedings. If the court renders judgment on the merits against the plaintiff, the judgment shall be supported by either a statement of findings of fact and conclusions of law or an opinion stating the reasons and facts upon which the judgment is based. The motion shall be without prejudice to the right of the defendant to present evidence if the motion is denied.

(d) *Effect of Dismissal*: Unless the court otherwise specifies in its ruling, a dismissal under subparagraph (a) (2) or paragraphs (b) or (c) of this rule shall operate as an adjudication upon the merits.

IX. PRETRIAL PROCEDURE

RULE 9.1 NOTICE OF TRIAL

(a) *When Permitted*: At any time after issue has been joined, any party desiring to try an action shall serve upon the opposing party or parties, and file with the court, a notice of trial.

(b) *Form and Content*: The notice of trial shall be substantially in the form set forth in Appendix E, and shall include:

(1) the title and court number of the action;

(2) a statement that the party has completed his discovery procedure and is ready to try the action;

(3) a request showing the party's preference for a place or places and date or dates for trial, together with a statement that all parties concur; or a statement of the reasons for requesting such place and date for trial; and

(4) an estimate of the time that will probably be required at each such place for the examination and cross-examination of the party's witnesses at that place.

(c) *Time for Service*: When it is requested that the trial be held in New York City, the notice of trial shall be served at least 30 days prior to the requested date for trial. When it is requested that the trial be held at a place other than New York City, the notice of trial shall be served at least 60 days before the requested date of the trial.

(d) *Objection to Date or Place*: Any other party to the action who prefers the trial to be held at a place or date other than that requested in the notice of trial, shall, within 15 days after service of the notice of trial, file a request showing the other place where, or the other date when, he would prefer the trial to be held, together with a statement of the reasons for the request.

(e) *Designation by Court*: The court, with due regard for the request of the parties, shall designate the place or places and date or dates for trial. The court shall give to the parties at least 30 days notice of the time and place for trial.

(f) *Trial Session*: Unless otherwise provided by the court, in designating the place and date for trial, the trial of the action, when commenced, shall be continued in continuous sessions, or in a series of consecutive sessions, until completed, but the court may, in its discretion, for good cause shown, adjourn the trial to take additional evidence at different times and at different places.

RULE 9.2 PRETRIAL ORDERS

(a) *General*: The court may, in its discretion, direct the attorneys for the parties, or any party not represented by an attorney, to take such action in preparation for a pretrial conference or for trial as may aid in the disposition of the action and all other pending actions of plaintiff involving the same article of merchandise and common issues of law or fact, including, but not limited to, any of the procedures provided for in the subsequent paragraphs of this rule.

(b) *Parties to Confer*: The court may direct any party to confer with any other party at any stage of the action on any matter pertaining thereto.

(c) *Admissions*: The court may direct any party to serve on any other party a request for admissions under Rule 6.2.

(d) *Submissions*: The court may direct the parties to submit simultaneously to the court with a copy to any other party:

(1) a short narrative statement (in the nature of an opening statement at trial) of the proof to be adduced, either by oral testimony or by documentary evidence, or both;

(2) a brief statement of his contentions in terms of ultimate facts and conclusions of law, and a succinct statement of points and authorities by way of analysis of legal issues;

(3) a statement of the issues of fact in controversy;

(4) a statement of the issues of law;

(5) a list of the prospective expert witnesses, giving as to each witness the name, address, and occupation, and the issue or issues to which his testimony will be directed;

(6) a statement showing the location or locations where the party desires the witnesses be heard, and an estimate of the time that will probably be required in each location for the examination and cross-examination of the party's witnesses at that place;

(7) a statement as to when the party will be ready for trial; and

(8) a statement of such other matters as the court may direct.

Notwithstanding any submission made in good faith pursuant to this paragraph (d), a party may, for good cause shown, alter positions in relation to facts or law, or call witnesses other than those listed, in order to meet the exigencies of the action as it develops.

(e) *Preliminary Pretrial Memorandum*: The court may direct each party to prepare and submit to any other party a memorandum containing all matters requisite to a pretrial conference at which agreement may be sought as to the authenticity and admissibility of documents, uncontroverted facts, issues of fact, issues of law, and the time and place or places and probable duration of the trial.

· RULE 9.3 PRETRIAL CONFERENCES

(a) *Scheduling of Pretrial Conference*: In any action, the judge may, in his discretion, direct the attorneys for the parties, or any party not represented by an attorney, to appear before him prior to trial in order to consider:

(1) the simplification of the issues;

(2) the necessity or desirability of amendments to the pleadings;

(3) the possibility of avoiding unnecessary proof by the admission of facts and by the reception of documents in evidence;

(4) the disclosure of the names, addresses and occupations of all witnesses, and a brief summary of the proposed testimony of each;

(5) the limitation of the number of expert witnesses, and the exchange between the parties prior to trial of written statements by such witnesses comprising their direct testimony in the action;

(6) incorporating in the record factual data or documentary evidence pursuant to proceedings theretofore had under these rules; and

(7) the consolidation or joint trial of other pending actions involving a common question of law or fact, and such other matters as may aid in the disposition of the action.

(b) *Authority of Attorneys:* An attorney appearing at a pretrial conference in behalf of a party, whether the United States or other party, should be thoroughly familiar with the action, be authorized to act for the party he represents at the conference, and should preferably be the attorney who will try the action for such party.

(c) *Pretrial Memorandum:* The judge may make a memorandum reciting the action taken at any pretrial conference. The judge shall file with the clerk the original of every such memorandum and one additional copy for each party for service by the clerk. Such memorandum may be modified by the court upon timely motion by either party. Subject to such modifications, the memorandum shall become part of the record and shall govern all future proceedings in the action.

RULE 9.4 RECORDS INTRODUCED IN EVIDENCE

(a) *Records Which May Be Incorporated:* When an action is under consideration which involves questions of law and fact substantially the same in character as were involved in another action or case which has been previously decided, partially tried, or tried and submitted to the court for decision, the record, or any part thereof, in such previous action or case may, within the discretion of the court, be admitted in evidence in the pending action upon motion of either party.

(b) *Notice To Incorporate:* Notice of intention to incorporate any such record shall be served and filed with the notice of trial. A party other than the party serving the notice of trial shall serve and file notice of intention to incorporate any such record within 15 days after service of the notice of trial. Such notice to incorporate may be waived upon consent or by order of the court for good cause shown.

(c) *Objections to Incorporation:* Objections to the incorporation of such record, except evidentiary objections, not involving a request to produce witnesses, shall be served and filed within 15 days after receipt of the notice of intention to incorporate. The opposing party shall have 15 days after the service of objections to respond. Objections based upon evidentiary grounds may be made at the trial.

(d) *Requests To Produce Witnesses; Response:* If a party desires to re-examine or cross-examine one or more witnesses whose testimony is to be incorporated, a motion to the court for an order directing the production of said witnesses shall be served and filed within 30 days after receipt of the notice of intention to incorporate. The opposing party shall have 15 days after the service of said motion to respond. Upon good cause shown, the court may direct the production of such witnesses at the trial, and may determine which of the parties shall bear the costs of producing such witnesses.

(e) *Standing of Witnesses:* Any witness whose testimony is incorporated, or witnesses who are produced for re-examination or cross-examination, shall stand in the same position with reference to both parties as they stood in the original action or case.

RULE 9.5 COMPLIANCE AND NONCOMPLIANCE

(a) *Pretrial Rules Liberally Construed:* The foregoing rules relating to pretrial procedure shall be construed liberally to expedite the trial of actions without depriving any party of any just claim, defense, or objection.

(b) *Effect of Noncompliance:* Upon the failure or refusal of a party to comply with any order or direction by the court pursuant to the rules relating to pretrial procedure, the court may:

- (1) order such failure or refusal to be a contempt of court;
- (2) order that the facts pertaining to the matter in default shall be taken to be established for the purposes of the action in accordance with the contention of the party submitting documents or requests for admissions;
- (3) declare a waiver of challenge of the accuracy of any statement of items and figures as reflecting the contents of the books and records from which taken;
- (4) refuse to allow the disobedient party to support or oppose designated claims or defenses;
- (5) prohibit the disobedient party from introducing in evidence designated documents or items of testimony; or
- (6) order the dismissal of the action or proceeding, or any part thereof, or the rendition of judgment by default against the disobedient party.

X. TRIALS

RULE 10.1 SUBPOENA

(a) *For Attendance of Witnesses; Form; Issuance:* Every subpoena shall be issued by the clerk under the seal of the court, shall state the name of the court and the title of the action, and shall command each

person to whom it is directed to attend and give testimony at a time and place therein specified. The clerk shall issue a subpoena, or a subpoena for the production of documentary evidence, signed and sealed but otherwise in blank, to a party requesting it, who shall fill it in before service.

(b) *For Production of Documentary Evidence*: A subpoena may also command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein.

(c) *Motion To Quash*: The court, upon motion made promptly and, in any event, at or before the time specified in the subpoena for compliance therewith, may (1) quash or modify any subpoena if it is unreasonable and oppressive, or (2) condition denial of the motion upon the advancement, by the person in whose behalf the subpoena is issued of the reasonable cost of complying with the subpoena.

(d) *Service*:

(1) A subpoena may be served by the marshal of this court or his deputy, by a United States marshal or his deputy, or by any other person who is not a party and is not less than 18 years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees for one day's attendance and the mileage allowed by 28 U.S.C. § 1821. When the subpoena is issued on behalf of the United States or an officer or agency thereof, fees and mileage need not be tendered. The party at whose instance a subpoena is issued shall be responsible for the payment of witness fees and mileage, as well as fees and mileage of the officer who serves the subpoena.

(2) A subpoena requiring the attendance of the witness at a hearing or trial may be served at any place within 100 miles of the place of the hearing or trial specified in the subpoena; but the court, upon proper application and cause shown, may authorize the service of a subpoena at any other place.

(3) A subpoena directed to a witness in a foreign country shall issue under the circumstances and in the manner and be served as provided in 28 U.S.C. § 1783.

(e) *Contempt*: Failure by any person without adequate excuse to obey a subpoena served upon him may be deemed a contempt of the court.

RULE 10.2 PROOF OF OFFICIAL RECORD

(a) *Authentication of Copy*:

(1) *Domestic*: An official record or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof, or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied with a certificate that

said officer has the custody. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by a judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or it may be made by any public officer having a seal of office and having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office.

(2) *Foreign*: If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice-consul, or consular agent or by any officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office.

(b) *Proof of Lack of Record*: A written statement signed by an officer having the custody of an official record or by his deputy that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as above provided, is admissible as evidence that the records of his office contain no such record or entry.

(c) *Other Proof*: This rule does not prevent the proof of official records or of entry or lack of entry therein by any method authorized by any applicable statute or by the rules of evidence at common law.

RULE 10.3 CONSOLIDATION; JOINT TRIALS; SEVERANCE

The court may make such orders concerning proceedings in any action as may tend to avoid unnecessary expense or delay, including, but not limited to:

(a) *Consolidation*: When actions involving a common question of law or fact are pending before the court, and the parties are the same, the court may order consolidation of the actions or any claims therein.

(b) *Joint Trials*: When actions involving a common question of law or fact are pending before the court, and the parties are not the same, the court may order a joint trial of the actions or any claims therein.

(c) *Severance*: The court may order a severance and separate proceeding or trial of any claim or issue.

RULE 10.4 RECEPTION OF EVIDENCE

(a) *Form and Admissibility*: In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise provided by statute or by these rules. All evidence shall be admitted which is admissible under the statutes of the United States, or under the rules of evidence heretofore applied in the courts of the United States in non-jury trials.

In any trial, the statute or rule which favors the reception of the evidence governs, and the evidence shall be presented according to the most convenient method prescribed in any of the statutes or rules to which reference is herein made. The competency of a witness to testify shall be determined in like manner.

(b) *Scope of Examination and Cross-Examination*: A party may interrogate any unwilling or hostile witness by leading questions. A party may call an adverse party, or an official, officer, director, or managing agent thereof, and interrogate him by leading questions and contradict and impeach him in all respects as if he had been called by the adverse party, and the witness thus called may be contradicted and impeached by or on behalf of the adverse party also, and may be cross-examined by the adverse party only upon the subject matter of his examination in chief.

(c) *Record of Excluded Evidence*:

(1) If an objection to a question propounded to a witness is sustained by the court, the examining attorney may make a specific offer of what he expects to prove by the answer of the witness. The court may add such other or further statement as clearly shows the character of the evidence, the form in which it was offered, the objection made, and the ruling thereon.

(2) When an objection to the introduction of documentary or physical evidence is sustained, the document or object shall be marked for identification; and, upon the request of the party who offered the same, it shall be filed by the reporter with the transcript of the evidence, unless the court rules that such evidence is not admissible on any ground.

(d) *Exclusion of Proposed Witnesses*: The court, on its own motion or on motion of either party, may exclude from the courtroom any or all persons, other than parties, whom the parties expect or intend to call as witnesses at the trial, *Provided, however*, that each party may designate one person as its advisor to its counsel, who may not be excluded from the courtroom, and who may testify at the appropriate time despite his attendance in the courtroom.

(e) *Affirmation in Lieu of Oath*: Whenever, under these rules, an oath is required to be taken, a solemn affirmation may be accepted in lieu thereof.

RULE 10.5 EXCEPTIONS UNNECESSARY

Formal exceptions to rulings or orders of the court are unnecessary; but for all purposes for which an exception has heretofore been necessary it is sufficient that a party, at the time the ruling or order of the court is made or sought, makes known to the court the action which

he desires the court to take or his objection to the action of the court and his grounds therefor; and, if a party has no opportunity to object to a ruling or order at the time it is made, the absence of an objection does not thereafter prejudice him.

RULE 10.6 CONTEMPT

(a) *Summary Disposition*: Any person who shall, during the trial or hearing of any issue pending before any judge or judges of this court, or upon the argument of any motion, misbehave in the presence of any such judge or judges or so near thereto as to obstruct the administration of justice, may, in the discretion of such judge or judges, be declared and held to be guilty of contempt and may be summarily punished therefor by such judge or judges by being subjected to a fine not to exceed \$1,000 or by imprisonment not to exceed 6 months, or both.

(b) *Disposition Upon Notice and Hearing*: Any person who shall willfully disobey any lawful process, order, rule, or command of any judge or judges of this court, may be adjudged guilty of contempt. Any person so adjudged may be cited to appear before a judge or judges of the court, as the case may be, to show cause upon a day certain named in the order why he should not be punished therefor. The order and accompanying papers, if there be any, shall be served with sufficient promptness upon the person charged, to enable him to prepare for and make return to the order at the time and place fixed therein. If upon such return in the judgment of the judge or judges, as the case may be, the alleged contempt is not satisfactorily purged the procedure to be followed shall, as near as may be possible, be that provided in 18 U.S.C. §§ 401, 402, 3285 and 3691 and in Rule 42 of the Federal Rules of Criminal Procedure.

XI. ORAL ARGUMENT; AMICUS CURIAE; POST TRIAL PROCEEDINGS

RULE 11.1 ORAL ARGUMENT

In any action, the court may, upon the motion of a party or on its own motion: (1) direct oral argument on a pending motion; and (2) direct oral argument in lieu of or in addition to brief after trial. The court shall fix the time and date of such oral argument.

RULE 11.2 AMICUS CURIAE

(a) The court may in any action invite any member or members of the bar of the court to serve the court as *amicus curiae*. Any application to appear as *amicus curiae* shall be made by motion under Rule 4.12 unless such application is made in open court.

(b) On the trial of an issue involving the construction of any paragraph, item, or provision of tariff or customs law, the court may permit counsel other than those engaged in the trial of any such issue to appear as *amicus curiae* and file a brief on the legal questions involved. Such *amicus curiae*, so permitted by leave of court to file a brief, may not participate in the trial of the issues involved. Copies of every such brief filed by *amicus curiae* shall be served upon the parties engaged in the trial of the action within the time prescribed by the court, and the respective parties shall serve a copy of their briefs upon the *amicus curiae* at the time they file their briefs with the court.

(c) A brief filed by *amicus curiae* shall conform to Rule 17.1 as to form, size, and number of copies and to paragraph (d) or (e) of Rule 11.3 as to content.

RULE 11.3 BRIEFS

(a) *Briefs in Contested Actions:* In every contested action a brief shall be filed by each of the parties, within the time respectively allowed therefor by the court, unless excused by the court.

(b) *Time:*

(1) Plaintiff's brief shall be served upon the defendant and filed with the clerk of the court in accordance with Rule 4.1, within the time period fixed by the court.

(2) Defendant's brief shall be served upon the plaintiff and filed with the clerk of the court in accordance with Rule 4.1, within the time period fixed by the court.

(3) A reply brief may be served and filed no later than 15 days after service of defendant's brief.

(4) Extensions of time may be allowed by the court upon stipulation of the parties, or upon motion for good cause shown.

(c) *Form; Size; Copies:* Briefs shall be in the form, size and number of copies as prescribed by Rule 17.1.

(d) *Content: Plaintiff's Brief:* Plaintiff's brief shall contain, under proper headings and arranged in the following order:

(1) A table of contents.

(2) A table of the statutes, regulations, and cases cited, giving the volume and page in the official editions where they may be found, and arranging the cases in alphabetical order.

(3) A brief description of the merchandise; country of origin and of exportation; date of exportation; date of entry; and, port of entry.

(4) (i) In actions involving classification, the verbatim paragraph or item of the tariff statute under which the merchandise was assessed, and the verbatim paragraph or paragraphs or item or items under which it is claimed that the merchandise is properly dutiable,

together with any other verbatim pertinent statutory provisions or regulations.

(ii) In actions involving valuation, the statutory basis of appraisal and the unit of value at which the merchandise was appraised, and the claimed statutory basis of value and unit value, together with the verbatim pertinent statutory provisions.

(5) The questions presented for decision, including all subsidiary questions involved.

(6) A concise statement of facts relevant to the issues with a specific citation to the page or pages in the record or exhibits supporting each such material fact.

(7) A summary of argument, which shall be a succinct, but accurate and clear, condensation of the contentions made in the body of the brief.

(8) An argument, exhibiting clearly the contentions of the party with respect to the issues presented, and the reasons therefor, with citations to the authorities, statutes, exhibits, and pages of the record relied upon.

(9) A short conclusion stating the relief sought.

(e) *Content: Defendant's Brief:* The brief of the defendant shall conform to the foregoing requirements except that no statement of the facts need be made beyond what may be deemed necessary to correct any inaccuracies or omissions in plaintiff's brief, and except that items (3), (4), and (5) need not be included unless the defendant is dissatisfied with their presentation by the other side.

(f) *Content: Reply Brief:* A reply brief shall be confined to rebutting matters contained in the brief of the defendant.

(g) *General:* Briefs must be compact, concise, logically arranged, and free from burdensome, irrelevant, immaterial, and scandalous matter. Briefs not complying with this rule may be disregarded by the court.

(h) *Failure To File:* Where a brief is not filed within the time allowed by the court, the court may take such action as it may deem appropriate, including, but not limited to the following:

(1) the court may, upon its own motion, or a motion of a party, render judgment on the record without further briefs or hearing; or

(2) the court may direct the filing of a brief by the party not in default within a time to be fixed by the court, after which judgment may be rendered upon the record and brief so filed; or

(3) Where plaintiff fails to file a brief within the time allowed by the court, the court may, upon 10 days' notice, or upon motion of defendant, dismiss the action.

RULE 11.4 PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

(a) *By Direction of Court*: In lieu of or in addition to a brief, the court may direct either or both parties to file with the clerk of the court proposed findings of fact and conclusions of law consecutively or concurrently either prior to or following its final determination in any action.

(b) *Time for Filing*: Unless otherwise directed:

(1) *When Filing Is Consecutive*:

(i) Plaintiff shall have 30 days after the transcript of the record has been filed within which to serve and file its proposed findings of fact and conclusions of law;

(ii) Defendant shall have 30 days after service of plaintiff's finding and conclusions within which to serve and file its proposed findings of fact and conclusions of law and objections, if any, to plaintiff's findings and conclusions;

(iii) Plaintiff shall have 15 days after service of defendant's proposed findings and conclusions within which it may serve and file objections thereto.

(2) *When Filing Is Concurrent*:

(i) The parties shall have 30 days after filing of the transcript of the record within which to serve and file their proposed findings of fact and conclusions of law;

(ii) If the proposed findings and conclusions are served and filed in conformity with subdivision (b)(2)(i), either party may serve and file objections to the proposed findings and conclusions of the opposing party within 15 days after service thereof.

(c) *Form and Content of Proposed Findings and Objections*: Unless otherwise directed:

(1) The proposed findings of fact shall consist of concise numbered statements of fact. Each such finding shall be presented in logical, sequential order, supported by references to the record, or other sources, where appropriate;

(2) The proposed findings shall be followed by short numbered statements of the ultimate facts established therefrom;

(3) The proposed conclusions of law shall be concise and numbered;

(4) The proposed ultimate findings of fact and conclusions of law may include citations, where appropriate;

(5) The objections to any proposed findings of fact and conclusions of law shall set out, in numbered statements, specifically and with particularity, the reasons therefor.

(d) *Official Record*: Only the findings of fact and conclusions of

law made and entered by the court shall constitute part of the record in the action.

RULE 11.5 DECISIONS; JUDGMENTS

(a) *Decisions*: In all contested actions, the decision of the court may be either in writing or orally entered on the record. The decision shall be supported by either (1) a statement of findings of fact and conclusions of law or (2) an opinion stating the reasons and facts upon which the decision is based.

(b) *Judgments*:

(1) An appropriate judgment shall be entered: on all decisions in contested actions; in actions where a motion for summary judgment or a motion for judgment on the pleadings has been granted; in actions submitted on agreed statements of fact pursuant to Rule 8.1; and in all other actions where there is a dispositive order.

(2) Except as to a party against whom a judgment is entered by default, every final judgment may grant the relief to which the party in whose favor it is rendered is entitled, even if the party has not demanded such relief in his pleadings.

XII. REHEARINGS; RETRIALS; AMENDMENT OF JUDGMENTS

RULE 12.1 REHEARINGS; RETRIALS

(a) *Form and Filing of Motions*: All motions for rehearings or retrials must be in writing and filed with the clerk of the court at New York within 30 days from the entry of the judgment or order in the action in which rehearing or retrial is requested.

(b) *Grounds*: Such motion must clearly state the grounds upon which the moving party relies for the granting of such rehearing or retrial. If the grounds do not appear of record, the motion must be supported by an affidavit or affidavits setting forth in detail the facts upon which such motion is predicated.

(c) *Service; Response*: A copy of such motion for rehearing or retrial shall be served by the moving party upon the opposite party or his attorney; and the opposite party or his attorney shall be allowed 15 days after such service in which to serve and file objections thereto.

(d) *Oral Argument*: Oral argument shall not be heard upon such motion except by leave of the court. Any such motion or opposition thereto may be accompanied by memoranda setting forth the facts and law upon which the parties rely. All such motions for and all papers filed in opposition thereto shall be accompanied by a proposed order.

(e) *Time for Appeal*: The denial of a timely motion for rehearing or retrial shall reinstate the statutory period within which appeal may be taken.

(f) *Upon Motion of Court*: The court may, upon its own motion and not later than 30 days after the entry of the judgment or order it has rendered in an action, order a rehearing or retrial therein.

RULE 12.2 AMENDMENT OF JUDGMENTS

(a) *Clerical Mistakes*: Clerical mistakes in judgments, orders, or other parts of the record, and errors therein arising from oversight or omission, may be corrected by the court at any time on its own initiative or on the motion of any party.

(b) *Harmless Error*: No error in either the admission or the exclusion of evidence and no error or defect in any ruling or order or in anything done or omitted by the court or by any of the parties is ground for granting a new trial or for vacating, modifying, or otherwise disturbing a judgment or order, unless refusal to take such action appears to the court inconsistent with substantial justice. At every stage of the proceeding, the court shall disregard any error or defect which does not affect the substantial rights of the parties.

XIII. APPEALS

RULE 13.1 APPEALS—PROCEDURES

(a) *Record*:

(1) Upon receipt of an order from the United States Court of Customs and Patent Appeals, directing the return of a record on appeal, the clerk shall prepare the full record of said action in accordance with the rules of the United States Court of Customs and Patent Appeals.

(2) Thereafter, the clerk shall notify counsel for the parties that the record is available for inspection.

(b) *Objections*: Objections to the form or substance of the record as presented by the clerk may be raised by motion to settle the record made in accordance with the general provisions for motions as specified in Rule 4.12.

(c) *Transmission*: Upon approval of counsel or pursuant to direction by the court, the clerk shall certify as to the correctness of the record and transmit it, under seal of the court, to the clerk of the Court of Customs and Patent Appeals.

RULE 13.2 INTERLOCUTORY APPEALS—PROCEDURES

(a) *Application*: When an interlocutory order issued by a judge or judges of the court includes therein a statement that a controlling question of law is involved as to which there is substantial ground for difference of opinion and that an immediate appeal from the order

may materially advance the ultimate determination of the litigation, or when an order is issued by the chief judge pursuant to the provisions of Rule 2.2(b) and 28 U.S.C. § 256(a), an application may be made to the Court of Customs and Patent Appeals for an appeal within 10 days after the entry of the order.

(b) *Stay:*

(1) Neither the application for an interlocutory appeal nor the granting of such an appeal will stay proceedings in this court unless a stay is ordered by a judge of this court or by the Court of Customs and Patent Appeals or a judge of that court.

(2) A stay may be granted upon motion of either party to the proceeding. Notwithstanding other provisions in these rules, a response to a motion to stay shall be filed within 7 days of the service of said motion.

(c) *Record:* The provisions of Rule 13.1 shall be applicable where an interlocutory appeal is granted by the Court of Customs and Patent Appeals.

XIV. THE CLERK'S OFFICE

RULE 14.1 JUDGMENTS AND ORDERS

(a) *Entry of Judgment or Order:* When a judgment or order is rendered, the clerk shall enter the judgment or order in an appropriate book or books kept for that purpose and shall show the date the entry is made. The date of such entry shall be deemed to be the date of entry of such judgment or order.

(b) *Notice of Entry of Judgment or Order:*

(1) Upon the entry of a judgment, the clerk shall, by delivery or by mailing, serve upon each party, the Secretary of the Treasury, and the district director of the district from which the action arose, a notice of entry of the judgment together with a copy of the judgment, opinion, decision, or findings of fact and conclusions of law upon which it is based.

(2) Upon the entry of an order, the clerk shall serve upon each party, by delivery or by mailing, a notice of entry of the order together with a copy of the order and any accompanying memorandum.

RULE 14.2 BOOKS AND RECORDS KEPT BY THE CLERK

(a) *Civil Docket:* The clerk shall maintain as an original and permanent record a book to be known as the Civil Docket, to be kept on one or more loose-leaf sheets for each action, and shall enter therein each action filed with the court. Actions shall be assigned consecutive file numbers. The file number of each action shall be noted on the page of the civil docket book whereon the first entry of the action is made.

All papers filed with the clerk and all judgments and orders shall be entered chronologically in the civil docket book on the sheet assigned to the action and shall be marked with its file number. These entries shall be brief, but shall show the nature of each paper filed and the substance of each judgment or order. The docket sheet shall show the date a paper is filed and the date the entry of a judgment or order is made.

(b) *Judgments and Orders*: The clerk shall maintain as a permanent record a Judgment Order Book in which there shall be filed, in serially numbered chronological sequence in loose-leaf binders, a correct copy of every final judgment or appealable order, together with all opinions, decisions, or findings of fact and conclusions of law upon which it is based, and any other order which the court may direct to be kept. None of the foregoing papers shall be accessible to any unauthorized person, whether a party to the proceeding or not, until the judgment or order has been duly entered.

RULE 14.3 ACCESS TO AND WITHDRAWAL OF PAPERS

(a) *Custody and Control*: All papers filed with or transmitted to the court shall be retained in the office of the clerk of the court, under his custody and control, except:

- (1) when such papers are required by the court; or
- (2) when requested by the Chief, Customs Section, Department of Justice, relevant papers may be transmitted to an appropriate customs officer for the purpose of considering a submission upon an agreed statement of facts pursuant to Rule 8.1, or for the purpose of answering an inquiry by an appropriate customs officer; or
- (3) the chief judge may direct the clerk to forward relevant papers in an appeal for reappraisal or in a protest, as defined in Rule 3.1, to an appropriate customs officer on request of the attorney of record for either party, or a party not represented by an attorney, for good cause shown in such request. Notice of such request shall be given to all other parties.

(b) *Temporary Withdrawal*:

- (1) The attorney of record for either party, or an individual not represented by an attorney, may, except where restricted by law (28 U.S.C. § 2637(b)), or where the court otherwise directs, have access to the relevant papers in an action, for examination in the office of the clerk.
- (2) The Chief, Customs Section, Department of Justice, may withdraw the relevant papers in an action to a designated place in his offices for a period not to exceed 30 days, *Provided*, that upon notice from clerk, such papers shall immediately be returned to the office of the clerk.

(3) The attorney of record for a party, or an individual not represented by an attorney, may withdraw the relevant papers in an action to a designated place in the offices of the Customs Court or the Customs Section, Department of Justice, *Provided*, that such papers are returned to the office of the clerk on the same day as they are withdrawn.

(4) Whenever an attorney of record for either party, or an individual not represented by an attorney, withdraws relevant papers, he shall sign and leave with the clerk a receipt describing the relevant papers so withdrawn and the designated place to which the papers are to be taken.

(c) *Relevant Papers*: For purposes of this rule, the relevant papers include all papers transmitted to or filed with the court as required by law or the rules of the court, including the transcript of all proceedings and exhibits in the action.

(d) *Return of Papers*: When a judgment or order of the court has become final, papers transmitted to the court by the appropriate customs officer pursuant to 28 U.S.C. § 2632(f), shall be returned, together with a copy of the judgment or order, to the appropriate customs officer.

RULE 14.4 EXHIBITS—DISPOSITION

(a) *Custody and Control Generally; Exception Upon Motion*: Exhibits introduced in evidence in an action or case heard by the court shall remain in the custody and control of the clerk of the court for such time as they may be required, and shall not be surrendered by the clerk until final judgment is entered in the action or case in which they were introduced, except upon motion of either party and order of the court.

(b) *Exhibits of Extraordinary Value*: If such exhibits are of more than ordinary value, upon motion of either party and order of the court, they may be withdrawn from the custody and control of the clerk.

(c) *Procedure After Final Judgment*:

(1) *Notice; Time for Response*: When a final judgment is entered in an action or case in which exhibits were introduced in evidence, the clerk may notify the parties of record to remove said exhibits and post a copy of the notice in a conspicuous place. If the exhibits are not removed within 30 days after such notice, the exhibits may be disposed of by the clerk.

(2) *Responsibility for Costs*: Any expense incidental to the removal of exhibits shall be borne by the party making such request.

(3) *Motion To Enlarge Custody and Control Time of Clerk*: Upon motion of either party, and for good cause shown, the court may

order an extension of the time for which exhibits shall remain in the custody and control of the clerk.

(d) *Decomposed or Offensive Exhibits*: In the event any exhibit becomes decomposed or offensive, the clerk shall notify the court and said exhibit may be disposed of by order of the court, but a proper record of its disposition shall be made by the clerk in each action or case.

RULE 14.5 PHOTOSTATIC COPYING OF DOCUMENTS

(a) *Permitted Upon Request*: Except where restricted by law (28 U.S.C. § 2637(b)), the clerk of the court may, upon request of a party, or his attorney, have photostated the following documents which are under his custody and control:

- (1) Consumption or other entries.
- (2) Commercial invoices.
- (3) Special Customs invoices.
- (4) Copy of protest.
- (5) Copy of denial of the protest in whole or in part.
- (6) Importer's exhibits (if paper exhibits).
- (7) Official samples (if paper samples).
- (8) Official laboratory reports.
- (9) Summary sheets.

(b) *By Order of Court*: Photostatic copying of documents not included in paragraph (a) of this rule may be obtained upon order of the court.

(c) *Fee*: The clerk of the court shall receive, from the part or parties at whose request photostatic copying of documents is performed, a fee of 25 cents, payable in advance, for each side of the page so photostated.

RULE 14.6 RESERVE FILE

(a) *Placement in Reserve File*: All actions commenced in the court after the effective date of these rules (including all appeals for reappraisal and protests received by the court after the effective date of these rules), and all actions described in Rule 14.9(c)(1) shall be placed in the reserve file for the month and year in which the action is commenced.

(b) *Removal From Reserve File*: An action may be removed from the reserve file (1) upon the filing of a complaint pursuant to Rule 4.4; or (2) upon the granting of a motion for consolidation pursuant to Rule 10.3 or for suspension pursuant to Rule 14.7(b); or (3) upon submission of the action to the court for decision upon an agreed statement of facts pursuant to Rule 8.1.

(c) *Dismissal for Lack of Prosecution*: An action which is not removed from the reserve file within a period of 2 years shall be dis-

missed for lack of prosecution, and the clerk shall enter an order of dismissal without further direction of court. The applicable 2-year period shall begin to run from the last day of the month in which the action is commenced, and shall end on the last day of the 24th month thereafter.

(d) *Notice To Remove*: At least 6 months before the expiration of the applicable 2-year period, the clerk shall send notice to the parties in an action not previously removed from the reserve file, informing them that the action will be dismissed in accordance with paragraph (c) of this rule unless removed from the reserve file within the applicable period of time.

(e) *Motion for Extension of Time*: For good cause shown, the court may, upon motion, order an extension of the time, beyond the applicable 2-year period, for which an action may remain in the reserve file.

RULE 14.7 SUSPENSION PROCEDURE

(a) *Suspension of Actions*: An action may be suspended pending the final determination of another action if it involves an issue of fact or a question of law which is the same as an issue of fact or question of law involved in such other pending action. For purposes of this rule, an action is considered pending when trial is commenced, or when the action has been submitted to the court for decision. The trial of an action commences when, in open court, the first witness is sworn or evidence is admitted.

(b) *Motion for Suspension*: An application for suspension shall be made upon a motion which shall include: the title and court number of the action for which suspension is requested; the title and court number of the action under which suspension is requested; and a concise statement of the issue of fact or question of law alleged to be the same in both actions.

(c) *Answer To Motion*: The answer to a motion for suspension shall include: a statement consenting to the motion; or a statement of the reason for opposing the motion; or a statement of the reason for neither consenting to nor opposing the motion.

(d) *Denial of Motion*: When a motion for suspension is denied, the action for which suspension has been denied:

(1) shall remain in the reserve file or suspension disposition file, provided the period of time for which the action may remain in such file has not expired; or

(2) shall be dismissed for lack of prosecution if the period of time for which the action may remain in the reserve file or suspension disposition file has expired, unless within 60 days from the date of notice of denial of the motion for suspension: a complaint is filed; or a mo-

tion for reconsideration, or for suspension under another action, or for an extension of time is granted.

RULE 14.8 SUSPENSION DISPOSITION FILE

(a) *Transfer to Suspension Disposition File*: When an action is finally determined, dismissed or discontinued, any actions which have been suspended thereunder shall be transferred to a suspension disposition file.

(b) *Removal From Suspension Disposition File*: An action may be removed from the suspension disposition file (1) upon the filing of a complaint pursuant to Rule 4.4; or (2) upon the granting of a motion for consolidation pursuant to Rule 10.3 or for suspension pursuant to Rule 14.7(b); or (3) upon submission of the action to the court for decision upon an agreed statement of facts pursuant to Rule 8.1.

(c) *Dismissal for Lack of Prosecution*: An action which is not removed from the suspension disposition file within a fixed period of time shall be dismissed for lack of prosecution, and the clerk shall enter an order of dismissal without further direction of the court. The period of time, not to exceed 18 months, for which an action may remain in the suspension disposition file, shall be fixed by the judge to whom the action has been assigned, or by the judge who decided the action under which the actions transferred to the suspension disposition file were suspended.

(d) *Notice to Remove*: The applicable fixed period of time for which an action may remain in the suspension disposition file shall begin to run from the day the clerk sends notice to the parties informing them of the date when the action will be dismissed in accordance with paragraph (c) of this rule unless removed from the suspension disposition file before such date.

(e) *Motion for Extension of Time*: For good cause shown, the court may, upon motion, order an extension of the time, beyond the applicable fixed period of time, for which an action may remain in the suspension disposition file.

RULE 14.9 DISPOSITION OF PENDING ACTIONS

(a) *Actions Affected*: All actions received by the court prior to October 1, 1970, shall, as of that date and for purposes of this rule, be deemed to be in one of the following two categories:

(1) actions in which trials have commenced prior to October 1, 1970; or

(2) actions in which trials have not commenced prior to October 1, 1970.

(b) *Trials Commenced:*

(1) All actions in which trials have commenced prior to October 1, 1970 shall be further processed and governed in accordance with the law and with the rules of the court in effect prior to October 1, 1970.

(2) Actions in which, in open court, a witness was sworn or evidence was admitted prior to October 1, 1970 shall be deemed actions in which trials have commenced prior to October 1, 1970.

(c) *Trials Not Commenced:* All actions in which trials have not commenced prior to October 1, 1970 shall, as of that date and for purposes of this rule, be deemed to be in one of the following two subcategories:

(1) Actions listed or scheduled to be listed on court calendars. Such actions shall be removed from the calendars on which they are listed or scheduled to be listed, placed in a reserve file in accordance with Rule 14.6, and be deemed to have commenced on October 1, 1970; or

(2) Actions suspended pending the final determination of another action. Such actions shall remain suspended until the final determination of the action under which they were suspended, at which time they shall be transferred to the suspension disposition file in accordance with Rule 14.8.

(d) *Processing of Untried Actions:* Except as otherwise provided in this rule, all actions in which trials have not commenced prior to October 1, 1970, shall be further processed and governed in accordance with the law and with the rules of the court in effect on and after October 1, 1970, except that such actions shall be deemed to have had summonses timely and properly filed.

XV. THE MARSHAL

RULE 15.1 APPOINTMENT; DUTIES; FEES

(a) *Appointment; Duties at New York:* The marshal shall attend court at all its sessions in New York City and shall serve and execute such process and orders as directed by the court.

(b) *At Places Other Than New York:* At all sessions of the court at places other than New York City, the United States marshal for the district in which a session of the court is being held shall act as the marshal for the court and shall be present at all sessions of the court in his district, and when serving as such shall execute such process and orders as directed by the court.

(c) *Fees:* The fees of the marshal for service of any subpoena, writ, process, or other court paper or document, or for the doing of any act specified in 28 U.S.C. § 1921 shall be the same as those provided in

that statute for similar services or acts by a United States marshal, together with the same mileage, expense, and costs provided in that statute.

XVI. ATTORNEYS

RULE 16.1 ATTORNEYS—ADMISSION TO PRACTICE

(a) *On Motion or by Application:* Any person of good moral character who is a citizen of the United States or of any territory or possession thereof and who has been admitted to practice in the Supreme Court of the United States or the highest court of any state, territory, possession, or the District of Columbia, or the United States Court of Customs and Patent Appeals, and is in good standing therein, may be admitted to practice as an attorney in this court by either of the following methods:

(1) *Oral Motion:* Upon oral motion made in open court by a member of the bar of this court or, if the court is not in session, before the chief judge or any judge present, following the filing of an application form provided by the court, and upon taking the following oath:

I, _____, do solemnly swear (or affirm) that I will faithfully conduct myself as an attorney and counselor at law of this court uprightly and according to law, and that I will support the Constitution of the United States, so help me God.

(2) *Verified Application:* Upon verified application in writing, in the form provided by the court, showing that the applicant is possessed of the qualifications described above, accompanied by:

(i) a certificate of a judge or of the clerk of any of the courts specified above that the applicant is a member of the bar of such court and is in good standing therein;

(ii) a letter or signed statement of a member of the bar of this court or of the Supreme Court of the United States, not related to the applicant, stating that the applicant is personally known to him, that the applicant possesses all the qualifications required for admission to the bar of this court, that he has examined the applicant's application, and that he affirms that the applicant's personal and professional character and standing are good; and

(iii) an oath in the form prescribed in subparagraph (1) of this paragraph (a), signed by the applicant and administered by an officer authorized to administer oaths in the state, territory, possession, or the District of Columbia, where the oath is administered.

(b) *Fee for Admission:* The applicant for admission shall pay to the clerk a fee of \$10, and shall be entitled to a certificate of admis-

sion. The clerk, as trustee, shall deposit such sum in a bank designated by the court and shall expend such moneys as directed by the court. Where the applicant is an attorney representing the United States before this court, payment of such fee is not required.

(c) *Admission of Foreign Attorneys*: An attorney, barrister, or advocate who is qualified to practice at the bar of the court of any foreign state which extends a like privilege to members of the bar of this court may be specially admitted for purposes limited to a particular action. He shall not, however, be authorized to act as attorney of record. In the case of such an applicant, the oath shall not be required and there shall be no fee. Such admission shall be granted only on written motion of a member of the bar of this court, filed with the clerk at least 3 days prior to the consideration of the motion by the court.

RULE 16.2 DISBARMENT OR OTHER DISCIPLINARY ACTION

(a) *Initiation of Proceedings*: Whenever a certificate shall be received from the clerk of any court, or a complaint supported by an affidavit filed with the clerk of the court, setting forth any of the following facts concerning a member of the bar of the court:

(1) that he has resigned from the bar of a court of any state, territory, district, commonwealth, or possession;

(2) that he has been disbarred, suspended from practice or censured in any state, territory, district, commonwealth, or possession;

(3) that he has been convicted of a crime involving moral turpitude in any state, territory, district, commonwealth, or possession; or

(4) that he has been guilty of dishonest or unethical conduct; the clerk of this court shall forthwith deliver said certificate or complaint to the chief judge of this court.

(b) *Sufficiency*: The chief judge shall preliminarily examine such certificate or complaint and rule upon its sufficiency *prima facie*. If he deems the facts insufficient on their face to warrant disciplinary action, he shall so advise the complainant and the attorney named.

(c) *Investigation and Prosecution*: Where the certificate or complaint is deemed sufficient *prima facie*, the chief judge shall appoint a committee, consisting of three members of the bar of this court, to which the certificate or complaint shall be referred. It shall then be the duty of the committee to investigate the facts involved in such resignation, disbarment or suspension from practice or other facts alleged in the certificate or complaint. If, in the committee's judgment, probable cause for disbarment, suspension, or disciplinary action exists, it shall then be the duty of the committee to proceed against the attorney by an order signed by the chief judge setting forth the

charges against him and requiring him, within 30 days after service of the order upon him by delivery or by mailing, to show cause as to why disciplinary action should not be taken.

(d) *Appearance*: The attorney named in the order to show cause may appear in person and may be represented by an attorney and shall have the right to file any answer which, in his opinion, the proceedings may warrant.

(e) *Hearing and Report*: Upon answer by the attorney to the order to show cause, the chief judge shall designate three judges of the court who shall hear the matter, after due notice to the attorney named in the order, and report their findings of fact and conclusions of law to the full court.

(f) *Action by the Court*: The full court, after consideration of the record, may enter an order disbarring, suspending, or otherwise disciplining such member of the bar, or dismissing the proceedings, or making such other disposition of the case as may be warranted by the record.

RULE 16.3 NOTICE OF APPEARANCE; ATTORNEY OF RECORD;
SUBSTITUTION OF ATTORNEYS

(a) *Notice of Appearance*: Attorneys authorized to appear in actions pending before the court shall file notice thereof in writing with the clerk, who shall file it with the papers in the action. Such notice shall state the name and court number of the action, and the name, address and telephone number of the attorney or attorneys so appearing. The notice shall be substantially in the form as set forth in Appendix F.

(b) *Initial Document*: If the summons or other paper commencing an action bears the name and address of any member or members of the bar of this court, he or they shall be recognized as the attorney or attorneys of record and no separate notice of appearance shall be required in such action.

(c) *The United States*: The Assistant Attorney General, Civil Division, Department of Justice, shall be considered as having entered an appearance in all actions in which the United States is a party.

(d) *Attorney of Record*: An appearance may be made in the name of an individual attorney or in a firm name. If an appearance is made in a firm name, the name of the individual attorney responsible for the litigation shall also be stated.

(e) *Appearance—Admission to Practice: Pro Se Action*: Except in a *pro se* action, only an attorney duly admitted under the rules of this court may enter an appearance or practice before this court.

(f) *Substitution of Attorneys*: A party to any action who may desire to substitute an attorney in place of the one of record may do so by filing an application therefor expressing his consent, signed by himself and the attorney of record. The application shall be substantially in the form as set forth in Appendix G. If the consent of the previous attorney of record is annexed or endorsed on the application, substitution shall be accomplished by an appropriate entry on the docket of the court. A notice of appearance shall be filed by the substituted attorney. If an attorney of record refuses to consent to a substitution, the court, on motion, may order that such substitution be made on such terms as the court deems appropriate.

(g) *Withdrawal of Attorney*: No attorney of record may withdraw his appearance except by order of the court on motion and after notice is served on his client.

XVII. DUPLICATION; COPIES

RULE 17.1 FORM; SIZE; COPIES

(a) *Conformity Required*: All papers to be filed with the clerk shall be produced, duplicated, and filed in conformity with these rules as to means of production, methods of duplication, form and size, and number of copies. The clerk shall refuse to file any paper which is not in substantial conformity with this rule.

(b) *Means of Production*: All papers shall be plainly and legibly typewritten or otherwise produced by any duplicating or copying process which produces a clear black image on white paper. All but printed matter shall cover one side of the sheet only.

(c) *Caption and Signing*: All papers shall bear a caption in conformity with paragraph (a) of Rule 4.3 and shall be signed in conformity with paragraphs (a) and (b) of Rule 4.11.

(d) *Numbering of Pages*: The pages of each paper shall be numbered consecutively, commencing with number 1.

(e) *Designation of Originals*: Whenever multiple copies of a paper are filed, one shall be designated as the original by the party.

(f) *Briefs; Trial and Pretrial Memoranda*: Briefs, trial and pretrial memoranda shall be filed in 2 copies and shall be 8½ by 11 inches in size.* Pages shall be numbered on the bottom portion thereof, and bound or attached on the left margin. Typed matter shall be double spaced, except quoted material which may be indented and single spaced, and except titles, schedules, tables, graphs, columns of figures, or other interspersed material which is more readable in a form other than double spaced.

(g) *Pleadings and Other Papers*: All pleadings and all dispositive motions and replies thereto shall be filed in 2 copies. Except as provided by other rule, other papers may be filed in 1 copy. Pleadings and other papers shall be 8½ by 11 inches in size.* Pages shall be numbered on the bottom portion thereof, and bound or attached on the top margin. The substantive text portion of each paper shall be double spaced, except schedules, tables, columns of figures, or other interspersed material which is more readable in a form other than double spaced. Schedules of actions, certificates, attachments or other material not a part of the substantive text may be single spaced.

*Until October 1, 1971, 8½ by 14-inch papers will be acceptable.

Appendix A

FORM OF SUMMONS IN AN ACTION TO CONTEST DENIAL OF PROTEST

Instructions for use

The summons consists of: a first page (CC-S1), setting forth identifying information concerning the denied protest; a second page (CC-S2), setting forth relevant information concerning the administrative decision contested in the action; and a third page (CC-S3), Schedule of Protests, when more than one denied protest is included in the action.

The original and four copies of the summons shall be filed when the action includes protests denied at one port of entry.

When, under the circumstances permitted by these rules, the action includes protests denied at more than one port of entry, there shall be filed for each such port an additional copy of the summons (CC-S1 and CC-S2), to which there shall be attached an additional copy of the Schedule of Protests (CC-S3), pertaining to the protests included in the action which were denied at that port of entry.

UNITED STATES CUSTOMS COURT
S U M M O N S

Plaintiff,

vs.

THE UNITED STATES of AMERICA,
DEFENDANT.

TO: The Attorney General and the Secretary of the Treasury,

Please take notice that a civil action has been commenced to contest denial of the protest specified below (and the protests listed in the attached schedule).

Joseph E. Lombardi,
Clerk of the Court

PROTEST

Port of Entry:	Date Protest Filed:
Protest Number:	Date Protest Denied:
Importer:	
Category of Merchandise:	

ENTRIES INVOLVED IN ABOVE PROTEST

Entry Number	Date of Entry	Entry Number	Date of Entry

District Director,

Address of Customs District
in Which Protest was Denied
(CG-S1)

Name and Address of
Person Filing Summons
Telephone Number:

CONTESTED ADMINISTRATIVE DECISION				
Appraised Value of Merchandise				
	Statutory Basis	Statement of Value		
Appraised:				
Protest Claim:				

Classification, Rate or Amount				
Merchandise	Assessed		Protest Claim	
	Paragraph or Item No.	Rate	Paragraph or Item No.	Rate

Other

State Specifically the Decision (as Described in 28 U.S.C. § 1582(b))
and the Protest Claim:

The issue which was common to all such denied protests:

Every denied protest included in this civil action was filed by the same above-named importer, or by an authorized person in his behalf. The category of merchandise specified above was involved in each entry of merchandise included in every such denied protest. The issue or issues stated above were common to all such denied protests. All such protests were filed and denied as prescribed by law. All liquidated duties, charges or exactions have been paid, and were paid at the port of entry unless otherwise shown.

(CC-S2)

Signature of attorney or
individual filing in his
own behalf.

Appendix B

FORM OF SUMMONS IN AMERICAN MANUFACTURER'S, PRODUCER'S OR WHOLESALE'S ACTION

Instructions for use

The summons consists of a first page (CC-SA1) setting forth identifying information concerning the entry involved in the action, and a second page (CC-SA2) setting forth relevant information concerning the decision contested in the action.

The original and five copies of the summons shall be filed when the action includes entries involving only one consignee and only one port of entry.

When, under the circumstances permitted by these rules, the action includes entries involving more than one consignee or more than one port of entry, an additional copy of the summons shall be filed at the same time for each such different consignee and for each such different port of entry.

UNITED STATES CUSTOMS COURT

S U M M O N S

Plaintiff,

v.

THE UNITED STATES OF AMERICA,
Defendant,

Party in Interest.

TO: The Attorney General, the Secretary of the Treasury, and
_____, Party in Interest:

Please take notice that a civil action has been commenced to contest a decision of the Secretary of the Treasury made pursuant to section 516 of the Tariff Act of 1930, as amended (19 U.S.C. § 1516, as amended).

Joseph E. Lombardi,
Clerk of the Court

ENTRY

Port of Entry	Entry Number	Date of Entry	Date of Mailing of Notice of Liquidation
<u>Description of Merchandise</u>		<u>Name and Address of Consignee or Agent</u>	

District Director, _____

Address of Customs District
From Which Notice was Given

(CC-SAL)

Name and Address of
Person Filing Summons
Telephone Number _____

CONTESTED DECISION			
<u>Appraised Value of Merchandise</u>			
Statutory Basis		Statement of Value	
Appraised:			
Protest Claim:			

<u>Classification and Rate</u>			
<u>Assessed</u>		<u>Protest Claim</u>	
Item Number	Rate	Item Number	Rate

(CC-SA2)

Signature of attorney or
individual filing in his
own behalf.

APPENDIX C

DECISION AND JUDGMENT UPON AGREED STATEMENT OF FACTS
UNITED STATES CUSTOMS COURT

Plaintiff(s),	Port of:
<i>v.</i>	Court No.
UNITED STATES,	Subject:
Defendant.	Decided

[Judgment for .]

----- attorneys for plaintiff(s).
----- Assistant Attorney General, for defendant.
----- Judge: This action having been submitted
on an agreed statement of facts which has been filed with the court,
it is HEREBY DECIDED and ADJUDGED that the merchandise
marked "A" and initialed ----- by Import Specialist -----
----- is properly dutiable upon the basis of ----- value as defined
in section 402 ---- of the Tariff Act of 1930, as amended by the
Customs Simplification Act of 1956 ----, and that said value is -----

It is FURTHER DECIDED and ADJUDGED that the merchandise marked "B" and initialed _____ by Import Specialist _____ which is [the same] [similar] in all material respects as the merchandise in _____ v. _____ [give complete case citation] which record has been incorporated herein, is properly dutiable as _____, under _____, as modified by _____, at the rate of _____.

All other claims are overruled.

It is HEREBY ORDERED that the [district director of customs] [regional commissioner] at the port of ----- shall reliquidate the entry accordingly.

Judge

Dated: New York, N.Y.
-----, 19--.

APPENDIX D

NOTICE OF ABANDONMENT

UNITED STATES CUSTOMS COURT

	Plaintiff(s),	
v.		Court No.
UNITED STATES,		
	Defendant.	

SIRS:

PLEASE TAKE NOTICE that plaintiff, pursuant to Rule 8.3 of the Rules of the United States Customs Court, hereby abandons the action listed on the schedule attached hereto, which are presently in the _____ file of the Court. Unless otherwise noted, each action covers only one entry.

Dated: _____, 19____.

Respectfully,

Attorney for Plaintiffs
[Address]

TO:

Clerk of the Court
United States Customs
Court
One Federal Plaza
New York, New York 10007

Customs Section, Civil Division
Department of Justice
26 Federal Plaza
New York, New York 10007

SCHEDULE

TO

NOTICE OF ABANDONMENT

Court File

Court Number

Customs Number

ORDER OF DISMISSAL

The cases listed on the schedule set forth above having been voluntarily abandoned by plaintiff are hereby dismissed.

Dated: _____

Joseph E. Lombardi, Clerk
United States Customs Court
By _____

Deputy Clerk

APPENDIX E

NOTICE OF TRIAL

UNITED STATES CUSTOMS COURT

<p style="text-align: right;">Plaintiff(s),</p> <p style="text-align: center;"><i>v.</i></p> <p>UNITED STATES,</p> <p style="text-align: right;">Defendant.</p>	Court No.
---	-----------

PLEASE TAKE NOTICE that plaintiff [defendant] has completed his discovery procedure and is ready to try the above-entitled action.

Trial is requested on or about _____
[date or dates]

at _____
[place or places]

All parties concur in the request for trial at the above-stated date or dates and place or places.

OR

[Reasons for requesting trial at the above-stated date or dates and place or places]

It is estimated that the time required by the party filing the notice of trial for the examination and cross-examination of his witnesses will be as follows:

_____ [place]	_____ [time]
_____ [place]	_____ [time]

[List all places where trial is requested and time estimated for trial at each.]

Attorney(s) for Plaintiff(s)
Office & P.O. Address

TO: THE CLERK OF THE COURT

Attorney(s) for defendant [plaintiff(s)]
Office & P.O. Address

APPENDIX F

NOTICE OF APPEARANCE

UNITED STATES CUSTOMS COURT

Plaintiff(s),

v.

UNITED STATES,

Defendant.

Court No.

TO CLERK OF THE COURT:

The undersigned, hereby appearing in the above-entitled action, has been retained as attorney for _____, the plaintiff(s) therein, and respectfully requests that all papers in connection therewith be served upon [him] [them].

Dated: _____

_____, Attorney(s)

[Street Address]

[City]

[State]

[Zip Code]

By: _____

APPENDIX G

CONSENT TO SUBSTITUTION OF ATTORNEYS

UNITED STATES CUSTOMS COURT

		Plaintiff(s),	
<i>v.</i>			
UNITED STATES,			Court No.
	Defendant.		

TO CLERK OF THE COURT:

We, the undersigned, hereby consent and agree that

[Name of Attorney(s)]

[Street Address]

[City]

[State]

[Zip Code]

be substituted as [my] [our] attorney(s) in the above-entitled action.

Dated: -----

_____, Attorney(s)

By: _____

_____, Plaintiff(s)

By: _____

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(See DISCOVERY and WITNESSES)

(T.D. 70-181)

Administrative review—Customs Regulations amended to implement the Customs Administrative Act of 1970

Part 17, Customs Regulations, deleted; Parts 8, 9, 14, 15, 16, 22, 23, 54, 111, 146, 147, and 153 amended; Parts 173, 174, 175, and 176 added

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 8—LIABILITY FOR DUTIES: ENTRY OF IMPORTED MERCHANDISE

PART 9—IMPORTATIONS BY MAIL

PART 14—APPRAISEMENT

PART 15—RELIEF FROM DUTIES ON MERCHANDISE LOST, STOLEN, DESTROYED, INJURED, ABANDONED, OR SHORT-SHIPED

PART 16—LIQUIDATION OF DUTIES

PART 17—PROTESTS AND REAPPRAISEMENTS

PART 22—DRAWBACK

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

PART 54—CERTAIN IMPORTATIONS TEMPORARILY FREE OF DUTY

PART 111—CUSTOMHOUSE BROKERS

PART 146—FOREIGN-TRADE ZONES

PART 147—TRADE FAIRS

PART 153—ANTIDUMPING

On June 5, 1970, notice of proposed rule making regarding regulations to implement the Customs Administrative Act of 1970, and

necessary miscellaneous amendments to Chapter I of title 19 of the Code of Federal Regulations was published in the Federal Register (35 F.R. 8741). Interested persons were given until July 15, 1970, to submit written comments, suggestions, or objections regarding the proposed regulations.

The proposed new Parts 173 through 176 and the miscellaneous amendments to Chapter I of title 19 of the Code of Federal Regulations are hereby adopted, subject to the following changes:

In section 174.1(b), language is added to clarify the definition of "further review."

In section 174.2(a) (4) and (5), language is added to make clear that both subparagraphs refer to two distinct factual situations.

In section 174.3, paragraph (b) setting forth a procedure when no power of attorney is filed is deleted and paragraph (c), (d), and (e) are redesignated accordingly.

Section 174.12 as proposed appears as section 174.15, and a new section 174.12 sets forth the provisions of proposed section 174.14 relating to the filing of protest with the following changes in the text:

1. A new paragraph (b) rephrases the provisions of the first two sentences of proposed section 174.13(a) but permits a protest to be filed on a form other than Customs Form 19 in certain circumstances. Language is added to exempt samples or similar exhibits from the requirement of filing attachments to a protest in quadruplicate.

2. A new paragraph (c) sets forth separately the signature requirements for a protest which were contained in proposed 174.13(a).

3. Paragraph (d) contains those provisions of proposed 174.14(b) relating to the place of filing a protest.

4. Paragraph (e) contains the provisions of proposed 174.14(c), with the example of a refusal to reliquidate for clerical error added to subparagraph (2).

5. Paragraph (f) sets forth the text of proposed paragraph 174.14(d).

6. Paragraph (g) is added to provide for the submission of a fifth copy of the protest and its return as a record copy.

In section 174.13, paragraph (a) retains the general listing of the contents of a protest without reference to its return if all information is not supplied. In the listing of contents there is an editorial change in (1), a more concise statement of (6) to require justification for an objection, and an added (7) to supply information to support a request for suspension of action on a protest while a prior protested decision is undergoing further review.

Also in section 174.13, paragraph (b) is redesignated (c), and is rephrased to permit designation only for refunds by the importer, consignee, or protesting party. A new paragraph (b) is added to section 174.13 to provide for protests with respect to multiple entries.

Section 174.14 sets forth the provisions of proposed section 174.15 relating to amendments to protests, with the following changes:

1. The heading of paragraph (a) is changed.
2. A new paragraph (b) provides for the filing of an amendment on Customs Form 19 or a facsimile, the number of copies which must be presented, and for schedules or other attachments to amendments.
3. That portion of paragraph (b) dealing with the contents of an amendment becomes paragraph (c), and is revised to omit reference to its return if all information is not supplied. In the listing of contents, the entry number and date of entry is no longer required; the date of filing of the original protest is added to the requirement of the protest number; justification for the objection raised is substituted in (5) now redesignated as (4); and a new (5) is added to supply information to support a request for suspension of action on the amendment and protest in the same circumstances as for protests.
4. Paragraph (c) becomes paragraph (d) and includes a provision for the signing of an amendment.
5. Paragraph (d) becomes paragraph (e) and includes a provision for the date of filing of an amendment.
6. A new paragraph (f) is added to provide for presentation and return of a record copy of an amendment.

In section 174.21, paragraph (a) remains as section 174.21, and paragraph (b) is redesignated as section 174.22, with changes to delete the requirement that the request state the number and date of the entry involved and to clarify the phraseology relating to multiple protests.

Section 174.22 is renumbered as section 174.23, and is rephrased to clarify the further review concept.

Section 174.23 is renumbered as section 174.24, and paragraphs (b) and (c) are expanded to include rulings by the Customs courts.

Section 174.24 is renumbered as section 174.25, and is revised so that provision is made for a record copy of the application for further review and language is added to clarify the relationship of the allegations required to the criteria in the prior section.

Section 174.25 is renumbered as section 174.26 and is rephrased to clarify the concept of further review.

Sections 174.26, 174.27, and 174.28 are renumbered as sections 174.27, 174.28, and 174.29, respectively.

Section 174.29 appears as paragraph (a) of new section 174.30, and is rephrased to indicate notice of denial will be sent to each person filing a protest. Paragraph (b) is added to allow substitution of persons to receive notice, and paragraph (c) is added to provide for notification of payment of increased duties in certain circumstances.

In section 175.12, paragraph (c) is deleted and (d) is redesignated (c).

In section 175.21, the cross reference is changed to section 103.7.

In section 175.23, a sentence is added to provide for designation of ports of entry at which the petitioner desires to protest.

In paragraph (a) of section 175.25, a conforming change is made to refer to ports designated in the notice of desire to contest.

Section 176.2 is rephrased to provide clearly for service of the notice of appeal upon the Assistant Chief Counsel for Customs Court Litigation.

Sections 176.22 and 176.23 are deleted, and section 176.24 is renumbered as section 176.22.

In section 176.31, a cross reference to paragraph (c) is added in paragraphs (a) and (b), and a new paragraph (c) is added to provide for liquidation after notification of waiver of the right of appeal.

In the amendment to section 8.29, language is added to clarify the proposed amendment of paragraph (c), and the time allowed for withholding liquidation is changed to 20 days.

An amendment to paragraph (b) of section 9.10 is added to the miscellaneous amendments, together with an amendment to footnote 8 appended thereto.

Minor editorial changes, and conforming changes to reflect changes in cross references and the redesignation of certain parts of the Customs Regulations, are also made.

The text of Parts 173 through 176 and the miscellaneous amendments to Chapter I, title 19 of the Code of Federal Regulations as adopted is set forth below.

Effective date. These amendments shall become effective on October 1, 1970.

(014.1)

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

Approved August 13, 1970:

WILLIAM L. DICKEY,
Acting Assistant Secretary of the Treasury.

[Published in the Federal Register August 22, 1970 (35 F.R. 13428)]

PART 173—ADMINISTRATIVE REVIEW IN GENERAL

173.0 Scope.

173.1 Authority to review for error.

173.2 Transactions which may be reviewed and corrected.

173.3 Voluntary reliquidation.

173.4 Correction of clerical error, mistake of fact, or inadvertence.

173.5 Review of entry covering household or personal effects.

173.6 Review of entry for fraud.

Authority: The provisions of this Part 173 issued under R.S. 251, secs. 501, 624, 46 Stat. 730, as amended, 759; 19 U.S.C. 66, 1501, 1624.

173.0 Scope.—This part deals with the general authority of review, the authority to reliquidate voluntarily, the authority to correct for clerical error, mistake of fact, or other inadvertence under section 520(c) (1), Tariff Act of 1930, as amended, the authority to review an entry of household or personal effects, and the power to reliquidate an entry on account of fraud.

173.1 Authority to review for error.—District directors have broad responsibility and authority to review transactions to insure that the rate and amount of duty assessed on imported merchandise is correct and that the transaction is otherwise in accordance with the law. This authority extends to errors in the construction of a law and to errors adverse to the Government as well as the importer.

173.2 Transactions which may be reviewed and corrected.—The district director may review transactions for correctness, and take appropriate action under his general authority to correct errors, including those in appraisement where appropriate, at the time of:

(a) liquidation of entry;

(b) voluntary reliquidation completed within 90 days after liquidation;

(c) voluntary correction of an exaction within 90 days after the exaction was made;

(d) reliquidation made pursuant to a valid protest covering the particular merchandise as to which a change is in order; or

(e) modification, pursuant to a valid protest, of a transaction or decision which is neither a liquidation or reliquidation.

173.3 Voluntary reliquidation.—(a) *Authority to reliquidate.* The district director within 90 days from the date notice of the original liquidation is given to the importer, consignee, or agent, may reliquidate on his own initiative a liquidation or a reliquidation to correct errors in appraisement, classification, or any other element entering into the liquidation or reliquidation, including errors based on misconstruction of applicable law. A voluntary reliquidation may be made even though a protest has been filed, and whether the error is discovered by the district director or is brought to his attention by an interested party.

(b) *Notice of reliquidation.* Notice of a voluntary reliquidation shall be given in accordance with the requirements for giving notice of the original liquidation.

(Sec. 501, 46 Stat. 730, as amended; 19 U.S.C. 1501)

173.4 Correction of clerical error, mistake of fact, or inadvertence.—(a) *Authority to review and correct.* Even though a valid protest was not filed, the district director, upon timely application, may correct pursuant to section 520(c)(1), Tariff Act of 1930, as amended (19 U.S.C. 1520(c)(1)), a clerical error, mistake of fact, or other inadvertence meeting the requirements of paragraph (b) of this section, by reliquidation or other appropriate action.

(b) *Transactions which may be corrected.* Correction pursuant to section 520(c)(1), Tariff Act of 1930, as amended, may be made in any entry, liquidation, appraisement, or other Customs transaction if the clerical error, mistake of fact, or other inadvertence:

- (1) Does not amount to an error in the construction of a law;
- (2) Is adverse to the importer; and
- (3) Is manifest from the record or established by documentary evidence.

(c) *Limitation on time for application.* A clerical error, mistake of fact, or other inadvertence meeting the requirements of paragraph (b) of this section must be brought to the attention of the district director:

- (1) Within one year after the date of entry, or other transaction (including liquidation, reliquidation, or exaction) if the error, mistake of fact, or other inadvertence is in the entry, or other transaction (including a liquidation, reliquidation, or exaction), or
 - (2) Within 90 days after liquidation or exaction when the liquidation or exaction is made more than 9 months after the date of entry, or other transaction, except that in cases where the error is in liquidation, reliquidation, or exaction, the 1-year limitation shall apply.
- (Sec. 520, 46 Stat. 739, as amended; 19 U.S.C. 1520)

173.5 Review of entry covering household or personal effects.—An error in the liquidation of an entry covering household or personal effects may be corrected by the district director even though a timely protest was not filed if an application for refund is filed with the district director within 1 year after the date of the entry and no waiver of compliance with applicable regulations is involved other than a waiver which the district director has authority to grant. Where the district director has no authority to grant the waiver, the application shall be referred to the Commissioner of Customs.

(Sec. 520, 46 Stat. 739, as amended; 19 U.S.C. 1520)

173.6 Review of entry for fraud.—The district director may review any entry in which fraud is suspected. Where probable cause to

believe there is fraud in the case is found by the district director, he may reliquidate an entry within 2 years (exclusive of the time during which a protest is pending) after the date of liquidation or last reliquidation.

(Sec. 521, 46 Stat. 739; 19 U.S.C. 1521)

PART 174—PROTESTS

174.0 Scope.

SUBPART A—GENERAL PROVISIONS

174.1 Definitions.

174.2 Applicability of provisions.

174.3 Power of attorney to file protest.

SUBPART B—PROTESTS

174.11 Matters subject to protest.

174.12 Filing of protests.

174.13 Content of protests.

174.14 Amendment of protests.

174.15 Consolidation of protests filed by different parties.

174.16 Limitation on protests after reliquidation.

SUBPART C—REVIEW AND DISPOSITION OF PROTESTS

174.21 Time for review of protests.

174.22 Accelerated disposition of protests.

174.23 Further review of protests.

174.24 Criteria for further review.

174.25 Application for further review.

174.26 Review of protests after application for further review.

174.27 Disposition after further review.

174.28 Consideration of additional arguments.

174.29 Allowance or denial of protests.

174.30 Notice protest denied.

Authority: The provisions of this Part 174 issued under R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624. Subpart B also issued under sec. 514, 46 Stat. 736, as amended; 19 U.S.C. 1514. Subpart C also issued under sec. 515, 46 Stat. 736, as amended; 19 U.S.C. 1515.

174.0 Scope.—This part deals with the administrative review of decisions of the district director, including the requirements for the filing of protests against such decisions, amendment of protests, review and accelerated disposition, and provisions dealing with further administrative review.

SUBPART A—GENERAL PROVISIONS

174.1 Definitions.—When used in this part, the following terms shall have the meaning indicated:

(a) *District director.* "District director" means the district director of Customs at a headquarters port other than the port of New

York, New York, and the regional commissioner of Customs for Customs Region II at the port of New York, New York.

(b) *Further review.* "Further review" means review of the decision which is the subject of the protest by Customs officers on a level higher than the district, and in Region II by Customs officers who did not participate directly in the decision which is the subject of the protest.

174.2 Applicability of provisions.—(a) *In general.* The provisions of this part shall be applicable to protests against decisions involving:

(1) Articles excluded from entry or entered or withdrawn from warehouse for consumption on or after October 1, 1970;

(2) Articles entered or withdrawn from warehouse for consumption prior to October 1, 1970, for which appraisement has not become final by October 1, 1970;

(3) Articles entered or withdrawn from warehouse for consumption prior to October 1, 1970, for which the appraisement has become final but with respect to which the entry has not been liquidated prior to October 1, 1970;

(4) Articles entered or withdrawn from warehouse for consumption with respect to which the entry has been liquidated prior to October 1, 1970, if

(i) the time for filing a protest has not expired and a protest has not been filed prior to October 1, 1970; or

(ii) a protest has been filed and has not been disallowed in whole or in part before October 1, 1970; or

(5) Articles excluded from entry before October 1, 1970, with respect to which

(i) the time for filing a protest has not expired and a protest has not been filed prior to October 1, 1970; or

(ii) a protest has been filed and has not been disallowed in whole or in part before October 1, 1970.

(b) *Limitations.*

(1) *Appraisement not final.* When the appraisement of articles entered or withdrawn from warehouse for consumption prior to October 1, 1970, is not final by October 1, 1970, because an appeal for reappraisement was timely filed prior to such date, the provisions of this part relating to protests shall be applicable to a protest filed after the court's decision on the appeal to reappraisement has become final. Such protest shall not include issues which were raised or could have been raised on the appeal for reappraisement.

(2) *Protest not disallowed.* When a protest filed prior to October 1, 1970, has not been disallowed in whole or in part before such

date, the provisions of this part shall be applicable to such protests. The time within which any action must be taken under the provisions of this part with respect to such a protest shall commence on the date the protest was in fact filed.

174.3 Power of attorney to file protest.—(a) *When required.* When a protest is filed by a person acting as agent or attorney in fact for the principal, other than an attorney at law or a customhouse broker or his authorized employee acting in his behalf, there shall have been filed or shall be filed with the protest a power of attorney which either specifically authorizes such agent to make, sign, and file the protest or grants unlimited authority to such agent. No power of attorney to file a protest shall be required in the following cases:

(1) *Attorney at law.* When the protest is filed by an attorney at law as agent or attorney for the principal, the signing of the protest as agent or attorney for the principal by the attorney at law shall be considered a declaration by him that he is currently a member in good standing of the highest court of a State, possession, territory, commonwealth, or the District of Columbia, and has been authorized to sign and file the protest for the principal.

(2) *Customhouse broker or his employee.* When the protest is filed by a customhouse broker, or an authorized employee acting in his behalf, as agent or attorney in fact for the principal, the signing of the protest by the customhouse broker or an authorized employee in his behalf shall be considered a declaration by the broker that he or the employee signing in his behalf, is authorized to sign and file the protest for the principal. The customhouse broker shall have on file, however, a general power of attorney to transact Customs business for the principal on Customs Form 5291.

(b) *Execution of power of attorney.*

(1) *Corporation.* A corporate power of attorney to file protests shall be signed by a duly authorized officer or employee of the corporation. If the district director is otherwise satisfied as to the authority of such corporate officer or employee to grant such power of attorney, compliance with the requirements of section 8.19(e) of this chapter may be waived with respect to such power.

(2) *Partnership.* A partnership power of attorney to file protests may be signed by one member in the name of the partnership, provided the power recites the name of all the members.

(c) *Duration.* Powers of attorney issued by a partnership shall be limited to a period not to exceed 2 years from the date of receipt thereof by the district director. All other powers of attorney may be granted for an unlimited period.

(d) *Revocation.* Any power of attorney shall be subject to revocation at any time by written notice given to and received by the district director.

(Secs. 514, 515, 46 Stat. 734, as amended; 19 U.S.C. 1514, 1515)

SUBPART B—PROTESTS

174.11 Matters subject to protest.—The following decisions of the district director, including the legality of all orders and findings entering into the same, may be protested under the provisions of section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514):

- (a) The appraised value of merchandise;
- (b) The classification and rate and amount of duties chargeable;
- (c) All charges or exactions of whatever character within the jurisdiction of the Secretary of the Treasury;
- (d) The exclusion of merchandise from entry or delivery under any provision of the Customs laws;
- (e) The liquidation or reliquidation of an entry, or any modification thereof;
- (f) The refusal to pay a claim for drawback; and
- (g) The refusal to reliquidate an entry under section 520(c), Tariff Act of 1930, as amended (19 U.S.C. 1520(c)).

174.12 Filing of protests.—(a) *By whom filed.* Protests may be filed by the importer, consignee, or the person paying any charge or exaction, filing any claim for drawback, or seeking entry or delivery with respect to merchandise which is the subject of the decision protested, or his agent or attorney subject to the provisions of section 174.3.

(b) *Form and number of copies.* Protests against decisions of a district director shall be filed in quadruplicate on Customs Form 19 or a form of the same size clearly labeled "PROTEST" and setting forth the same content in its entirety, in the same order, addressed to the district director. All schedules or other attachments to a protest (other than samples or similar exhibits) shall also be filed in quadruplicate.

(c) *Signature.* The protest shall be signed by the person filing the protest, or his agent or attorney. If the person filing is not the importer of record or consignee, he shall include his address and importer number, if any.

(d) *Place of filing.* Protests shall be filed with the district director to whom addressed except that when the entry which is the subject of protest is made at a port other than the district headquarters, the protest may be filed with the port director at that port.

(e) *Time of filing.* Protests shall be filed, in accordance with section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514), within 90 days after either:

(1) The date of notice of liquidation or reliquidation in accordance with section 16.2(d), 16.12(a), or 16.12(c) of this chapter; or

(2) The date of the decision, involving neither a liquidation nor reliquidation, as to which the protest is made (e.g., the date of an exaction, the date of written notice excluding merchandise from entry or delivery under any provision of the Customs laws or the date of a refusal to reliquidate under section 520(c)(1) of the Tariff Act of 1930, as amended).

(f) *Date of filing.* The date on which a protest is received by the Customs officer with whom it is required to be filed shall be deemed the date on which it is filed.

(g) *Return of fifth copy.* If a fifth copy of the protest is presented for the purpose of having recorded thereon the date of its receipt and the protest number assigned thereto, such information shall be recorded thereon and the fifth copy shall be returned to the person filing the protest.

174.13 Contents of protest.—(a) *Contents, in general.* A protest shall contain the following information:

(1) The name and address of the protestant, i.e., the importer of record or consignee, and the name and address of his agent or attorney if signed by one of these;

(2) The importer number of the protestant. If the protestant is represented by an agent having power of attorney, the importer number of the agent shall also be shown;

(3) The number and date of the entry;

(4) The date of liquidation of the entry, or the date of a decision not involving a liquidation or reliquidation;

(5) A specific description of the merchandise affected by the decision as to which protest is made;

(6) The nature of, and justification for the objection set forth distinctly and specifically with respect to each category, payment, claim, decision, or refusal; and

(7) The date of receipt and protest number of any protest previously filed that is the subject of a pending application for further review pursuant to subpart C and that is alleged to involve the same merchandise and the same issues, if the protesting party requests disposition in accordance with the action taken on such previously filed protest.

(b) *Multiple entries.* A single protest may be filed with respect to more than one entry in any district if all such entries involve the same

protesting party, and if the same category of merchandise and a decision or decisions common to all entries are the subject of the protest. In such circumstances, the entry numbers, dates of entry and dates of liquidation of all such entries, as well as the ports of entry where they may not coincide, should be set forth as an attachment to the protest.

(c) *Optional designation for refunds.* If desired by the importer/consignee, the statement "any refunds with respect to the entry under protest shall be mailed to the importer/consignee in care of _____" may be appended to the protest.

(Name and address of Agent)

This designation supersedes any existing designation previously authorized on Customs Form 4811.

174.14 Amendment of protests.—(a) *Time for filing.* A protest may be amended at any time prior to the expiration of the 90-day period within which such protest may be filed determined in accordance with section 174.12(e). The amendment may assert additional claims pertaining to the administrative decision which is the subject of the protest, or may challenge an additional administrative decision relating to the same category of merchandise which is the subject of the protest. For the presentation of additional grounds or arguments in support of a valid protest after the 90-day period has expired see section 174.28.

(b) *Form and number of copies of amendment.* An amendment to a protest shall be filed in quadruplicate on Customs Form 19 or on a form of the same size, clearly labeled "AMENDMENT TO PROTEST" at the top of the form. Schedules or other attachments (other than samples or similar exhibits) shall also be filed in quadruplicate.

(c) *Contents.* An amendment to a protest shall contain the following information:

(1) The name, address, and importer number of the protesting party, i.e., the importer of record or consignee, and the name and address of his agent or attorney if filed by one of these;

(2) The number and date of filing of the original protest;

(3) A specific description of the merchandise affected by the decision as to which the amendment to the protest is filed;

(4) The nature of and justification for the objection raised by the amendment set forth distinctly and specifically with respect to each category, payment, claim, decision, or refusal; and

(5) The date of receipt and protest number of any protest previously filed that is the subject of a pending application for further review and that is alleged to involve the same merchandise and the same issues involved in the amendment.

(d) *By whom filed and signed.* An amendment to a protest may be filed and signed only by the person filing such protest, or his agent or attorney subject to the provisions of section 174.3.

(e) *Place and date of filing.* An amendment to a protest shall be filed with the district director or port director with whom the protest was filed. The amendment shall be deemed filed on the date it is received by the Customs officer with whom it is required to be filed.

(f) *Return of fifth copy.* If a fifth copy of the amendment is presented for the purpose of having recorded thereon the date of its receipt, such information shall be recorded thereon and the fifth copy shall be returned to the person filing the amendment.

174.15 Consolidation of protests filed by different parties.—Separate protests relating to one category of merchandise covered by an entry shall be considered as a single protest whether filed as a single protest or filed as separate protests relating to the same category by one or more parties in interest or an authorized agent.

174.16 Limitation on protests after reliquidation.—A protest shall not be filed against the decision of the district director on reliquidation upon any question not involved in the reliquidation.

SUBPART C—REVIEW AND DISPOSITION OF PROTESTS

174.21 Time for review of protests.—The district director shall review and act on a protest filed in accordance with section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514) within 2 years from the date the protest was filed. If several timely filed protests are treated as part of a single protest pursuant to section 174.15, the 2-year period shall be deemed to run from the date the last such protest was filed in accordance with section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514).

174.22 Accelerated disposition of protest.—(a) *Request for accelerated disposition.* Accelerated disposition of a protest filed in accordance with section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514) may be obtained at any time after 90 days from the filing of such protest, by filing by registered or certified mail a written request for accelerated disposition with the district director to whom the protest was addressed.

(b) *Contents of request.* A request for accelerated disposition of protest shall contain the following information:

(1) The name, address, and importer number of the protestant, i.e., the importer of record or consignee, and the name and address of his agent or attorney if filed by one of these; and

(2) The date of filing and number of the protest for which accelerated disposition is requested.

(c) *Review following request.* The district director shall review the protest which is the subject of the request within 30 days from the date of mailing of a request for accelerated disposition filed in accordance with the provisions of this section, and may allow or deny the protest in whole or in part.

(d) *Failure to allow or deny protest within 30-day period.* If the district director fails to allow or deny a protest which is the subject of a request for accelerated disposition within 30 days from the date of mailing of such request, the protest shall be deemed to have been denied at the close of the 30th day following such date of mailing.

(e) *Multiple protests.* If several protests by different persons are timely filed and treated as part of a single protest pursuant to section 174.15, a request for accelerated disposition filed by any one of the protesting parties shall be treated as a request for accelerated disposition by all the parties.

174.23 Further review of protests.—A protesting party may seek further review of a protest in lieu of review by the district director by filing, on the form prescribed in section 174.25, an application for such review within the time allowed and in the manner prescribed by section 174.12 for the filing of a protest. The filing of an application for further review shall not preclude a preliminary examination by the district director whose decision is the subject of the protest for the purpose of determining whether the protest may be allowed in full. If such preliminary examination indicates that the protest would be denied in whole or in part by the district director in the absence of an application for further review, however, he shall forward the protest and application for consideration in accordance with section 174.26.

174.24 Criteria for further review.—Further review of a protest which would otherwise be denied by the district director shall be accorded a party filing an application for further review which meets the requirements of section 174.25 when the decision against which the protest was filed:

(a) Is alleged to be inconsistent with a published ruling of the Commissioner of Customs or his designee, or a published abstract thereof, or with a decision made in any district with respect to the same or substantially similar merchandise;

(b) Is alleged to involve questions of law or fact which have not been ruled upon by the Commissioner of Customs or his designee or by the Customs courts; or

(c) Involves matters previously ruled upon by the Commissioner of Customs or his designee or by the Customs courts but facts are alleged or legal arguments presented which were not considered at the time of the original ruling.

174.25 Application for further review.—(a) *Form and number of copies.* An application for further review shall be filed in quadruplicate on Customs Form 20. If a fifth copy of the application is presented for the purpose of having recorded thereon the date of its receipt, such information shall be recorded thereon and the fifth copy shall be returned to the person filing the application.

(b) *Contents.* An application for further review shall contain the following information:

(1) Information identifying the protest to which it applies and the protesting party and his importer number;

(2) Allegations that the protesting party

(i) has not previously received an adverse administrative decision from the Commissioner of Customs or his designee nor has presently pending an application for an administrative decision on the same claim with respect to the same category of merchandise; and

(ii) has not received a final adverse decision from the Customs courts on the same claim with respect to the same category of merchandise and does not have an action involving such a claim pending before the Customs courts.

(3) A statement of any facts or additional legal arguments, not part of the record, upon which the protesting party relies, including the criterion set forth in section 174.24 which justifies further review. A showing of facts that support the allegation of a criterion set forth in section 174.24(c) will constitute a ground for the granting of further review in circumstances where the applicant's inability to affirmatively make the allegations described in subparagraph (b) (2) of this section would otherwise result in its denial.

174.26 Review of protest after application for further review.—

(a) *Protest allowed.* If upon examination of a protest for which an application for further review was filed the district director is satisfied that the claim is valid, he shall allow the protest.

(b) *Other protests.* If upon examination of a protest for which an application for further review was filed the district director decides that the protest in his judgment should be denied in whole or in part, he shall forward the application together with the protest and appropriate documents to be reviewed as follows:

(1) A protest shall be reviewed by the Commissioner of Customs or his designee under Customs Delegation Order No. 1 (Revision 1), T.D. 69-126 (34 F.R. 8208), as amended from time to time, if the protest and application for review raise an issue involving either:

(i) lack of uniformity of treatment;

(ii) the existence of an established and uniform practice;

(iii) the interpretation of a court decision or ruling of the Commissioner of Customs or his designee; or

(iv) questions which have not been the subject of a Bureau ruling or court decision.

(2) All other protests shall be reviewed by the regional commissioner of Customs or his designee for the region in which the district lies. Such designee shall be a Customs officer who did not participate directly in the decision which is the subject of the protest.

174.27 Disposition after further review.—Upon completion of further review, the protest and appropriate documents forwarded for review shall be returned to the district director together with directions for the disposition of the protest.

174.28 Consideration of additional arguments.—In determining whether to allow or deny a protest filed within the time allowed, a reviewing officer may consider alternative claims and additional grounds or arguments submitted in writing by the protesting party with respect to any decision which is the subject of a valid protest at any time prior to disposition of the protest.

174.29 Allowance or denial of protests.—The district director shall allow or deny in whole or in part a protest filed in accordance with section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514) within 2 years from the date the protest was filed. If the protest is allowed in whole or in part the district director shall remit or refund any duties, charge, or exaction found to have been collected in excess, or pay any drawback found due. If the protest is denied in whole or in part the district director shall give notice of the denial in the form and manner prescribed in section 174.30.

174.30 Notice of denial of protest.—(a) *Issuance of notice.* Notice of denial of a protest shall be mailed to any person filing a protest or his agent in all cases other than those in which accelerated disposition was requested and in which no action has been taken within 30 days after the date of mailing of the request. For purposes of section 515(a), Tariff Act of 1930, as amended (19 U.S.C. 1515(a)), the date appearing on such notice shall be deemed the date on which such notice was mailed.

(b) *Substitution of persons designated to receive notice.* The importer of record or consignee may give notice to the district director instructing that notice of denial of any protest involving merchandise imported in his name or on his behalf shall be mailed to a person other than the person filing such protest or the designee of such person. Such notice of substitution shall be filed in quadruplicate and shall identify the protest by number and date of receipt. Notice of denial

of a protest shall be mailed to the substituted person so designated only if the notice of substitution is received by the district director prior to a denial by him of such protest.

(c) *Notification of payment of increased duties.* The district director shall note on the notice of denial of a protest the payment of all liquidated duties, charges, or exactions, if he has actual knowledge of such payment at the time that the protest is denied.

PART 175—PETITIONS BY AMERICAN MANUFACTURERS, PRODUCERS, AND WHOLESALEERS

175.0 Scope.

Subpart A—Request for Classification and Rate of Duty

175.1 Submission of request.

175.2 Contents of request.

Subpart B—Petitions

175.11 Filing of petitions.

175.12 Contents of petitions.

Subpart C—Procedure Following Petition

175.21 Inspection of documents and papers.

175.22 Publication of decisions following petition.

175.23 Notice of desire to contest decision.

175.24 Publication following notice of desire to contest.

175.25 Procedure at port of entry designated by petitions.

Authority: The provisions of this Part 175 issued under R.S. 251, as amended, secs. 516, 624, 46 Stat. 735, as amended, 759; 19 U.S.C. 66, 1516, 1624.

175.0 Scope.—This part sets forth the procedures applicable to request by American manufacturers, producers, and wholesalers for the classification and rate of duty applicable to designated imported merchandise, and to petitions alleging that the appraised value is too low, that the classification is not correct, or that the proper rate of duty is not being assessed upon designated imported merchandise which is claimed to be similar to the class or kind of merchandise manufactured, produced, or wholesaled by the petitioner.

SUBPART A—REQUEST FOR CLASSIFICATION AND RATE OF DUTY

175.1 Submission of request.—Written requests pursuant to section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), for information as to the classification and rate of duty imposed upon designated imported merchandise shall be submitted in triplicate to the Commissioner of Customs.

175.2 Contents of request.—The request for information shall contain the following information:

(a) The name of the person making the request, his principal place of business, and the fact that he is an American manufacturer, producer, or wholesaler;

(b) A designation of the imported merchandise for which the classification and rate is requested; and

(c) A showing of the class or kind of merchandise manufactured, produced, or sold by him which is claimed to be similar to the imported merchandise in such detail as will permit the Commissioner to establish the similarity between the domestic and foreign merchandise.

SUBPART B—PETITIONS

175.11 Filing of petitions.—(a) *Number of copies and where filed.* All petitions pursuant to section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), shall be submitted to the Commissioner of Customs in triplicate.

(b) *By whom filed.* Petitions may be filed by the American manufacturers, producers, or wholesalers themselves, or by duly authorized attorneys or agents on their behalf. A petition filed by a corporation shall be signed by an officer thereof, and a petition filed by a partnership shall be signed by a member thereof.

175.12 Contents of petition.—The petition shall be itemized as to each class or kind of merchandise involved, and shall contain the following:

(a) The name of the petitioner, his principal place of business, and the fact that he is an American manufacturer, producer, or wholesaler;

(b) A statement showing the class or kind of merchandise manufactured, produced, or sold by him which is claimed to be similar to the imported merchandise in such detail as will permit the Commissioner of Customs to establish the similarity between the domestic and foreign merchandise; and

(c) A presentation, in detail, of the information required by section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516).

SUBPART C—PROCEDURE FOLLOWING PETITION

175.21 Inspection of documents and papers.—A petitioner shall not be permitted in any case to inspect documents or papers of the consignee or importer which are exempted from disclosure under section 103.7 of this chapter.

175.22 Publication of decisions following petition.—(a) *Incorrect appraised value, classification, or rate of duty.* If the appraised value of, classification of, or rate of duty upon imported merchandise of the character which is the subject of a petition is found to be incorrect, the Commissioner of Customs shall so inform the petitioner, and

shall cause the proper value, classification, or rate of duty to be published in the Federal Register and the weekly Customs Bulletin. Such merchandise entered for consumption or withdrawn from warehouse for consumption after 30 days after the date of publication of such notice to the petitioner in the Customs Bulletin shall be appraised, classified, or assessed as to rate of duty in accordance with the published decision.

(b) *Correct appraised value, classification, or rate of duty.* If the appraised value of, classification of, or rate of duty upon the imported merchandise which is the subject of the petition is found to be correct, the Commissioner of Customs shall so notify the petitioner, but the decision shall not be published.

175.23 Notice of desire to contest decision.—If the petitioner is dissatisfied with the decision of the Commissioner that the appraised value, classification, or rate of duty is correct for the merchandise which was the subject of the petition, in accordance with section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516) he may file with the Commissioner of Customs not later than 30 days after the date of the decision a notice that he desires to contest the appraised value of, classification of, or rate of duty assessed upon the imported merchandise. Such notice shall designate the port or ports at which such merchandise is being imported into the United States, and at which the petitioner desires to protest.

175.24 Publication following notice of desire to contest.—Upon receipt of a properly filed petitioner's notice that he desires to contest the decision as to the appraised value of, classification of, or rate of duty assessed upon the imported merchandise, the Commissioner of Customs shall cause to be published in the Federal Register and the weekly Customs Bulletin a notice of his decision as to the proper appraised value of, classification of, or rate of duty assessed upon the imported merchandise, and of petitioner's desire to contest the decision.

175.25 Procedure at port of entry designated by petitioner.—
(a) *Information as to character and description of merchandise.* All information secured by the district director for the port designated by the petitioner in his notice of desire to contest as to the character and description of merchandise of the kind covered by the petition and entered after publication by the Commissioner of Customs of his decision as to the proper appraised value, classification and rate of duty, and samples of such merchandise, shall be made available to the petitioner upon application by him to the district director.

(b) *Notice of liquidation.* Notice of liquidation of the first of the entries to be liquidated which would enable the petitioner to present the issue desired shall be given to the petitioner by the district director or the designated port as required by section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516).

(c) *Further notice when issue not presented.* If, upon examination of the information and inspection of any sample supplied by the district director, the petitioner believes and the district director agrees that the merchandise or the facts surrounding this importation are not sufficient to raise the issue involved in the petition, the district director shall then give the petitioner notice of the first liquidation thereafter which will permit the framing of the issue covered by the petition. The district director shall, under the same conditions, continue to give notice for so long as he is of the opinion that the petitioner affirmatively intends to contest. When the district director concludes that the petitioner does not intend to contest the decision of the Commissioner of Customs, he shall refer the matter to the Commissioner of Customs for his decision before issuing any further notice of liquidation.

PART 176—PROCEEDINGS IN THE CUSTOMS COURT

176.0 Scope.

Subpart A—Service

176.1 Service of summons.

176.2 Service of notice of appeal.

Subpart B—Transmission of Records

176.11 Transmission of records to Customs Court.

Subpart C—Statement of Agreed Facts

176.21 Referral of statements of agreed facts for certification.

176.22 Deletion of protest or entry number.

Subpart D—Procedure Following Court Decision

176.31 Reliquidation following decision of court.

Authority: The provisions of this Part 176 issued under R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624.

176.0 Scope.—This part deals with service of summons and notice of appeal in actions before the Customs Court, the transmission of records to the court, statements of agreed facts, and Customs procedures following a decision by the court.

SUBPART A—SERVICE

176.1 Service of summons.—When an action is initiated in the Customs Court a copy of the summons shall be served in the manner

prescribed by the Customs Court upon the district director for each Customs district in which a protest cited in the summons was denied, and an additional copy shall be served upon the Assistant Chief Counsel for Customs Court Litigation, Bureau of Customs, 26 Federal Plaza, New York, New York 10007.

(28 U.S.C. 2632, as amended)

176.2 Service of notice of appeal.—When the United States is an appellee in an appeal taken to the Court of Customs and Patent Appeals, a copy of the notice of appeal shall be served upon the Assistant Chief Counsel for Customs Court Litigation.

(28 U.S.C. 2601, as amended)

SUBPART B—TRANSMISSION OF RECORDS

176.11 Transmission of records to Customs Court.—Upon receipt of service of a summons in an action initiated in the Customs Court the following items shall be immediately transmitted to the Customs Court as part of the official record by the Customs officer concerned:

- (a) consumption or other entry;
 - (b) commercial invoice;
 - (c) special Customs invoice;
 - (d) copy of protest and any amendments thereto;
 - (e) copy of denial of protest in whole or in part;
 - (f) importer's exhibits;
 - (g) official samples;
 - (h) any official laboratory reports;
 - (i) the summary sheet;
 - (j) in any case in which one or more of the items listed as (a) through (i) do not exist, the Customs officer shall include a statement to that effect, identifying the items which do not exist.
- (28 U.S.C. 2632, as amended)

SUBPART C—STATEMENT OF AGREED FACTS

176.21 Referral of statement of agreed facts for certification.—Statements of agreed facts (also referred to as stipulations) to be used by the Department of Justice in submitting cases to the Customs Court may be referred for certification to Customs officials by the office of the Assistant Attorney General, Customs Section, Civil Division, Department of Justice, 26 Federal Plaza, New York, New York 10007.

176.22 Deletion of protest or entry number.—If any protest number or entry number is to be deleted from a schedule of protest

numbers or entry numbers attached to or embodied in a statement of agreed facts, a line shall be drawn through the number and the change shall be initialed by the authorized official making and approving the deletion.

SUBPART D—PROCEDURE FOLLOWING COURT DECISION

176.31 Reliquidation following decision of court.—(a) *Decision of United States Customs Court.* Except as provided in (c) below, an entry which is the subject of a decision of the United States Customs Court shall be reliquidated in accordance with the judgment order thereon at the expiration of 60 days from the date of the decision, unless an appeal or motion for a rehearing is filed. However, entries which are the subject of decisions of the court following a decision of the Court of Customs and Patent Appeals which involve the same issue, or which are based on submission of an agreed statement of fact, may be reliquidated immediately upon receipt of the judgment orders from the United States Customs Court.

(b) *Decision of the Court of Customs and Patent Appeals.* Except as provided in (c) below, an entry covering merchandise which is the subject of a decision of the Court of Customs and Patent Appeals shall be reliquidated at the expiration of 90 days from the date of entry of decision by that court and only upon receipt of the judgment order from the United States Customs Court. However, no such entry shall be reliquidated pursuant to such order if a petition for certiorari is taken to the Supreme Court.

(c) *Waiver of right of appeal.* Upon receipt of a letter from the Assistant Attorney General, Civil Division, Department of Justice, signed by the Chief, Customs Section, advising that no appeal will be taken from a decision of the U.S. Customs Court or that it has been determined that no petition for certiorari shall be filed in the Supreme Court to review a decision of the Court of Customs and Patent Appeals, any entry or entries covered by such decision may be reliquidated pursuant to the judgment of the U.S. Customs Court prior to the expiration of the times specified in paragraphs (a) and (b) above. (Sec. 514, 46 Stat. 734, as amended; 19 U.S.C. 1514)

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

In section 8.29, the last sentence of paragraph (c) is amended to read:

Liquidation shall be made promptly and shall not be withheld for a period of more than 20 days from the date of mailing such notice unless in the judgment of the district director there are compelling reasons that would warrant such action.

The citation of authority for section 8.29 is amended to read:

(Secs. 499, 505, 623, 46 Stat. 728, as amended, 732, as amended, 759, as amended; 19 U.S.C. 1499, 1505, 1623)

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 9—IMPORTATIONS BY MAIL

In section 9.10, the last sentence in paragraph (b) is amended by deleting "60" and substituting "90", and the last sentence of footnote 8 appended thereto is deleted.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 14—APPRAISEMENT

Section 14.1 is amended as follows:

Paragraph (a) and footnote 1 are deleted.

Paragraph (b) is amended by substituting "district director" for "collector" in the first sentence, and "District directors" for "Collectors of Customs" in the second sentence.

Paragraph (c) is amended by substituting "district director" for "collector or the appraiser".

The citation of authority for section 14.1 is amended to read:

(Sec. 499, 46 Stat. 728, as amended; 19 U.S.C. 1499)

The citation of authority for section 14.2 is amended to read:

(Sec. 499, 46 Stat. 728, as amended; 19 U.S.C. 1499)

Section 14.3 is amended as follows:

In paragraph (c), "district director" is substituted for "appraiser".

Paragraph (e) and footnote 8 are deleted.

The citation of authority for section 14.3 is amended to read:

(Secs. 402, 500, 46 Stat. 708, as amended, 729, as amended; sec. 402, 70 Stat. 943; 19 U.S.C. 1401a, 1402, 1500)

Section 14.4 is amended by substituting "district director" for "appraiser" in the first sentence and in paragraphs (b) and (e) and "district director's" for "appraiser's" in paragraph (d).

In section 14.5, paragraphs (d), (e), and (n) are amended by substituting "Regional Commissioner" for "appraiser" wherever it appears.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

**PART 15—RELIEF FROM DUTIES ON MERCHANDISE LOST, STOLEN, DESTROYED,
INJURED, ABANDONED, OR SHORT-SHIPED**

Section 15.7 is amended as follows:

Paragraph (a) is amended by substituting "district director" for "collector" wherever it appears.

Paragraph (b) is amended to read:

If the district director is satisfied after any necessary investigation that the merchandise contains excessive moisture or other impurities not usually found in or upon such or similar merchandise, he shall make allowance for the amount thereof in the liquidation of the entry.

Paragraph (c) is deleted.

Section 15.8 is amended to read as follows:

15.8 Shortages; lost packages; deficiencies in contents of packages.—(a) Allowance in the assessment of duties shall be made for lost or missing merchandise included in the entry when it is established to the satisfaction of the district director of Customs before the liquidation of the entry becomes final that the merchandise claimed to be lost or missing was not imported. The foregoing shall not apply in the case of merchandise arriving under an immediate transportation entry. (See section 18.6 of this chapter.)

(b) Allowance for deficiency in any package found upon examination in accordance with section 499, Tariff Act of 1930, as amended, shall be made in the liquidation of the entry if it is established to the satisfaction of the district director that the merchandise was not imported.

(Sec. 499, 46 Stat. 728, as amended; 19 U.S.C. 1499)

Section 15.10 is amended as follows:

Paragraph (a) is amended by deleting "and is so reported to the collector by the appraiser".

Subparagraph (1) of paragraph (b) is amended by substituting "district director" for "collector".

Subparagraph (3) of paragraph (b) is amended by deleting "reported by the appraiser" and substituting "determined".

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 16—LIQUIDATION OF DUTIES

Part 16 is amended by deleting footnote 1 and the section heading of 16.1 is amended by deleting the footnote reference "1".

The citation of authority for section 16.1 is amended to read:

(Sec. 500, 46 Stat. 729, as amended; 19 U.S.C. 1500)

The citation of authority for section 16.2 is amended to read:

(Sec. 500, 46 Stat. 729, as amended, sec. 321, 52 Stat. 1801, as amended; 19 U.S.C. 1321, 1505)

In section 16.3 paragraph (a) is amended to read:

The district director of Customs shall suspend the liquidation of entries on which bonds are open for the production of documents affecting the rate of duty pending the performance or nonperformance under the bond, except as provided in section 8.15(d) of this chapter.

The citation of authority for section 16.3 is amended to read:

(Sec. 500, 46 Stat. 729, as amended; 19 U.S.C. 1500)

In section 16.4, paragraph (e) is amended as follows:

That portion of the second sentence preceding the colon is amended to read:

Thereafter, when the district director is in possession of sufficient information to apply the instructions in this section, he shall proceed with the appraisement and liquidation in the case of any importation of merchandise exported on a date for which the Federal Reserve Bank of New York certifies such multiple rates, according to the following procedure:

Subparagraph (2) is deleted.

In subparagraph (3), (4), and (5), "appraiser or collector" is deleted wherever it appears, and "district director" is substituted.

The citation of authority for section 16.4 is amended to read:

(Secs. 500, 522, 46 Stat. 729, as amended, 739, as amended; 19 U.S.C. 1500, 31 U.S.C. 372)

In section 16.5, paragraph (c) is amended by deleting at the end thereof the words "as indicated by the appraiser's report".

The citation of authority for section 16.5 is amended to read:

(Secs. 315, 500, 46 Stat. 695, as amended, 729, as amended; 19 U.S.C. 1315, 1500)

Section 16.7 is amended by deleting from the first sentence the words "by the appraiser and is reported to the collector in accordance with section 499, Tariff Act of 1930, as amended,".

The citation of authority for section 16.7 is amended to read:

(Secs. 499, 505, 555, 46 Stat. 728, as amended, 732, as amended, 743, as amended; 19 U.S.C. 1499, 1505, 1555)

Section 16.10 is amended as follows:

Paragraphs (a), (b), (d), (e), and (f), are amended by deleting "60" and substituting "90".

Paragraph (c) is amended by deleting the last sentence and substituting the following:

A change to a lower rate of duty, when decided upon, shall be applicable to all unliquidated entries and to all protested entries involving the same issue which have not been denied in whole or in part.

Paragraph (g) is amended by deleting "forwarded to the Customs Court" and substituting "denied in whole or in part".

The citation of authority for section 16.10 is amended to read:

(Secs. 315, 500, 501, 46 Stat. 695, as amended, 729, as amended, 730, as amended; 19 U.S.C. 1315, 1500, 1501)

The citation of authority for section 16.11 is amended to read:

(Sec. 500, 46 Stat. 729, as amended; 19 U.S.C. 1500)

The citation of authority for section 16.12 is amended to read:

(Sec. 500, 46 Stat. 729, as amended; 19 U.S.C. 1500)

Part 16 is amended by deleting sections 16.13 and 16.14, and footnote 12.

Section 16.24 is amended by substituting "district director" for "appraiser" wherever it appears.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 17—PROTESTS AND REAPPRAISEMENTS

Part 17 is deleted from Chapter I of title 19 of the Code of Federal Regulations.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 22—DRAWBACK

Section 22.44 is amended by deleting "collector" and substituting "district director" therefore whenever it appears, and by substituting "90 days" for "60 days".

The citation of authority for section 22.44 is amended to read:

(Sec. 514, 46 Stat. 734, as amended; 19 U.S.C. 1514)

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

In section 23.18 the second sentence is amended to read:

Upon determination that the value does not exceed \$2,500, the district director shall proceed to give notice by advertisement of the summary sale for such time as he considers reasonable.

Section 23.28 is amended by deleting "appraiser, person acting as appraiser, collector" and substituting "district director".

Part 23 is amended by deleting footnote 44, and section 23.28 is amended to delete the footnote reference "44".

In section 23.29 the first sentence is amended by deleting "proper officer" and substituting "district director".

Part 23 is amended by deleting footnote 45, and section 23.29 is amended to delete the footnote reference "45".

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 54—CERTAIN IMPORTATIONS TEMPORARILY FREE OF DUTY

In section 54.3, subparagraph (3) of paragraph (b) is amended to read:

(3) such a declaration, adequately describing and identifying the articles, is subsequently filed at the customhouse, and the entry, if liquidated, can be reliquidated in accordance with section 501, Tariff Act of 1930, as amended (19 U.S.C. 1501), or section 520(c), Tariff Act of 1930, as amended (19 U.S.C. 1520(c)),

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 111—CUSTOMHOUSE BROKERS

Section 111.40 is amended to read:

111.40 Protests.—A broker shall not act in behalf of any person, or attempt to represent any person, in respect of any protest, unless he shall previously have been authorized to do so in accordance with section 174.3 of this chapter.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 146—FOREIGN-TRADE ZONES

In section 146.21, paragraph (e) is amended to read:

(e) *Procedures for protest.* The requirements, privileges, and procedures of notices of appraisement, posting of liquidations, and protests against decisions of the district director relating to privileged foreign merchandise are the same as those prescribed in the case of merchandise covered by an entry for warehouse in Customs territory.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 147—TRADE FAIRS

In section 147.42, paragraph (b) is amended by deleting the second sentence thereof.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 153—ANTIDUMPING

Section 153.1 is amended by deleting "appeals for reappraisement, applications for review of reappraisements,".

Section 153.57 is amended by deleting the second sentence thereof.

The title of Subpart E of Part 153 is amended to read "Antidumping Protests".

Section 153.64 is amended to read as follows:

153.64 Antidumping protests procedures.—Protests relating to the Antidumping Act, 1921, shall be made in the same manner as protests relating to ordinary Customs duties.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

(T.D. 70-182)

L-Dopa—Suspension of duty

Public Law 91-309 to suspend for a temporary period the import duty on L-Dopa

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 14, 1970.

Public Law 91-309, approved July 7, 1970, entitled "An Act to suspend for a temporary period the import duty on L-Dopa," is set forth below.

The Act provides in item 907.45, Appendix to the Tariff Schedules of the United States, for the suspension of duty on L-Dopa for the 2-year period beginning the day after the enactment of the Act.

(020)

ROBERT V. McINTYRE,
*Assistant Commissioner,
Office of Regulations and Rulings.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 907.30 the following new item:

“ 907. 45	L-Dopa, however provided for in schedule 4.	Free	No change	The 2-year period beginning day after enactment of this item.	”
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Approved July 7, 1970.

(T.D. 70-183)

Coastwise transportation—Customs Regulations amended

Section 4.93(b)(1), Customs Regulations, amended to add Ecuador to the list of countries whose registered vessels are permitted to transport empty cargo vans, lift vans, and shipping tanks coastwise

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Ecuador extends to vessels of the United States, in ports of Ecuador, privileges reciprocal to those provided in section 4.93(a)(1) of the Customs Regulations, with respect to empty cargo vans, empty lift vans, and empty shipping tanks. Therefore, vessels of the Government of Ecuador are permitted to transport coastwise empty cargo vans, empty lift vans, and empty shipping tanks under the conditions specified in the applicable proviso to section 27, Merchant Marine Act, 1920, as amended (46 U.S.C. 883).

Accordingly, section 4.93(b)(1) of the Customs Regulations is amended by the insertion of "Ecuador" in appropriate alphabetical order in the list of countries in that section.

(80 Stat. 379, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883).

Effective Date: This amendment shall become effective on the date of its publication in the Federal Register.

(216.131)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved August 13, 1970:

WILLIAM L. DICKEY,
Acting Assistant Secretary of the Treasury.

[Published in the Federal Register August 21, 1970 (35 F.R. 13366)]

(T.D. 70-184)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 18, 1970.

The Federal Reserve Bank of New York, pursuant to section 522 (c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period August 10 through August 14, 1970, rate of
\$0.249364.

Denmark krone:

August 10, 1970-----	\$0.133245
August 11, 1970-----	.133240
August 12, 1970-----	.133312
August 13, 1970-----	.133295
August 14, 1970-----	.133303

Hong Kong dollar:

For the period July 13 through July 17, 1970, Official rate of
\$0.163750, and the following Free rates:

July 13, 1970-----	\$0.164136
July 14, 1970-----	.164068
July 15, 1970-----	.164068
July 16, 1970-----	.164001
July 17, 1970-----	.163934

Iran rial:

For the period July 20 through July 24, 1970, rate of
\$0.0130333.

Philippine peso:

For the period July 20 through July 24, 1970, Official rate of
\$0.256410* and the following Free rates:

July 20, 1970-----	\$0.159033*
July 21, 1970-----	.159033*
July 22, 1970-----	.159000*
July 23, 1970-----	.158833*
July 24, 1970-----	.158833*

*Certified as nominal rates.

Thailand baht (tical) :

For the period July 20 through July 24, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

(T.D. 70-185)

Coastwise transportation—Customs Regulations amended

Sections 4.93(b)(1) and 4.93(b)(2), Customs Regulations, amended to add Canada to the list of countries whose registered vessels are permitted to transport certain articles coastwise

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Canada extends to vessels of the United States, in ports of Canada, privileges reciprocal to those provided in section 4.93 of the Customs Regulations. Therefore, vessels of the Government of Canada are permitted to transport coastwise empty cargo vans, empty lift vans, empty shipping tanks; equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel; empty instruments of international traffic exempted from application of the customs laws by the Secretary of the Treasury pursuant to the provisions of section 322(a), Tariff Act of 1930 (19 U.S.C. 1322(a)); and stevedoring equipment and material under the conditions specified in the applicable proviso to section 27, Merchant Marine Act, 1920, as amended (46 U.S.C. 883).

Accordingly, paragraph (b)(1) of section 4.93, Customs Regulations, is amended by the insertion of "Canada" in appropriate alphabetical order in the list of countries under that paragraph. Paragraph (b)(2) of section 4.93, Customs Regulations, is also amended by the insertion of "Canada" in appropriate alphabetical order in the list of countries under that paragraph.

(80 Stat. 379, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883).

Effective date: This amendment shall become effective on the date of its publication in the Federal Register.

(216.131)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved August 17, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register August 28, 1970 (35 F.R. 13727)]

(T.D. 70-186)

Classification of cellophane in rolls, substandard

Decision in C.D. 3908, holding cellophane in rolls, substandard, classifiable under the provision for waste and scrap, of rubber or plastics, fit only for remanufacture in item 771.15, Tariff Schedules of the United States, limited

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 20, 1970.

In *Cheltenham Supply Corp. v. United States*, C.D. 3908 (decided October 27, 1969), the United States Customs Court held that cellophane in rolls, substandard, which due to various defects in the process of manufacture is not usable for the purpose originally intended, but which after importation is processed for other uses, was classifiable under the provision for waste and scrap, of rubber or plastics, fit only for remanufacture in item 771.15, Tariff Schedules of the United States (TSUS), rather than in the provision for articles not specially provided for of rubber or plastics in item 774.60 of the tariff schedules, as claimed by the Government. The court found that the processing undergone by the merchandise upon importation amounted to a remanufacture sufficient to satisfy the requirement of item 771.15 of the tariff schedules that the merchandise be "fit only for remanufacture."

Inasmuch as the question of whether merchandise has been remanufactured is essentially a factual one, the decision in C.D. 3908 shall be limited to merchandise processed upon importation in the same manner as the cellophane rolls in that case. C.D. 3908 shall not apply to merchandise processed to a lesser extent.

(344.3)

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

(T.D. 70-187)

Bonds

Approval and discontinuance of bonds on Customs Form 7587 for the control of instruments of international traffic of a kind specified in section 10.41a of the Customs Regulations

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 24, 1970.

Bonds on Customs Form 7587 for the control of instruments of international traffic of a kind specified in section 10.41a of the Customs Regulations have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at end of list.

Name of principal and surety	Date of bond	Date of approval	Filed with regional commissioner/ district director; amount
The Angostura Wuppermann Corp., 79-20 Barnwell Ave., Elmhurst, N.Y.; American Casualty Co. of Reading, Pa.	July 30, 1970	July 30, 1970	New York, N.Y.; \$10,000
Atlantic Beverage Co., Inc., 105 E. Suffolk Ave., Central Islip, L. I., N.Y.; St. Paul Fire & Marine Ins. Co. D 8-7-70	June 16, 1969	June 16, 1969	New York, N.Y.; \$10,000
Victor Ambrose Barry dba V. A. Barry Co., 1874 E. 22nd St., Los Angeles, Calif.; St. Paul Fire & Marine Ins. Co. PB(7-19-65) D 8-3-70 ¹	Aug. 3, 1970	Aug. 3, 1970	Los Angeles, Calif.; \$10,000
Compass Agencies Inc., 327 S. LaSalle St., Chicago, Ill.; St. Paul Fire & Marine Ins. Co. D 8-7-70	June 30, 1967	June 30, 1967	New York, N.Y.; \$10,000
Denton Shipping Corp., 853 Biscayne Blvd., Miami, Fla.; U.S. Fidelity & Guaranty Co. D 7-15-70	June 13, 1969	June 17, 1969	Miami, Fla.; \$10,000
Export Import Service Co., Inc., 2828 Howard St., Detroit, Mich.; St. Paul Fire & Marine Ins. Co.	June 12, 1970	June 22, 1970	Detroit, Mich.; \$10,000
Grace Line Inc., General Agents for Johnson Line, 2 Pine St., San Francisco, Calif.; St. Paul Fire & Marine Ins. Co. D 9-5-70	Mar. 30, 1965	Mar. 30, 1965	San Francisco, Calif.; \$10,000
H & B Beer Sales Inc., 3060 Copper Rd., Santa Clara, Calif.; Reliance Ins. Co.	July 24, 1970	July 29, 1970	San Francisco, Calif.; \$10,000
Korea Shipping Corp. Ltd., (Corp. of Korea), 21 West St., New York, N.Y.; St. Paul Fire & Marine Ins. Co.	July 30, 1970	Aug. 13, 1970	New York, N.Y.; \$10,000

Name of principal and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
E. C. McAfee, 243 West Congress, Detroit, Mich.; St. Paul Fire & Marine Ins. Co.	Aug. 3, 1970	Aug. 4, 1970	Detroit, Mich.; \$10,000
Modulux, Inc., 38505 Cherry St., Newark, Calif.; United Pacific Ins. Co. D 8-3-70	June 10, 1964	July 21, 1964	San Francisco, Calif.; \$20,000
Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, Mo.; American Ins. Co.	June 1, 1970	June 17, 1970	St. Louis, Mo.; \$10,000
Gordon Brian Owen dba G. B. Owen Co. 938 W. Evelyn Ave., Sunnyvale, Calif.; St. Paul Fire & Marine Ins. Co.	July 17, 1970	July 17, 1970	San Francisco, Calif.; \$10,000
Santini Brothers, Inc., 57-48 49th St., Maspeth, N.Y.; St. Paul Fire & Marine Ins. Co.	June 10, 1970	June 29, 1970	New York, N.Y.; \$10,000
The Three Ivory Bros. Moving Co., Warren, Mich.; General Ins. Co. of America D 6-24-70	Apr. 21, 1964	July 16, 1964	Detroit, Mich.; \$10,000
Trans-Caribbean Imports, Inc., Long Bldg.-Matadero Rd., Puerto Nuevo, P.R.; Insurance Co. of North America PB(7-5-68) D 7-10-70 ²	July 6, 1970	July 13, 1970	San Juan, P.R.; \$10,000
Welland Chemical of Canada Ltd., 28 Bathurst St., Toronto, Can.; Maryland Casualty Co.	Apr. 7, 1970	June 25, 1970	Buffalo, N.Y.; \$10,000

¹ Surety is Seaboard Surety Co.² Surety is U.S. Fidelity & Guaranty Co.

(542.113)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(T.D. 70-188)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 25, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period August 17 through August 21, 1970, rate of \$0.249364.

Denmark krone:

August 17, 1970	\$0.133300
August 18, 1970	.133316
August 19, 1970	.133341
August 20, 1970	.133309
August 21, 1970	.133312

Hong Kong dollar:

For the period July 20 through July 31, 1970, Official rate of \$0.163750, and the following Free rates:

July 20, 1970	\$0.163833
July 21, 1970	.163800
July 22, 1970	.163833
July 23, 1970	.163934
July 24, 1970	.163934
July 27, 1970	Not Available
July 28, 1970	Not Available
July 29, 1970	Not Available
July 30, 1970	Not Available
July 31, 1970	Not Available

Iran rial:

For the period July 27 through August 7, 1970, rate of \$0.0130333.

Philippine peso:

For the period July 27 through August 7, 1970, Official rate of \$0.256410* and the following Free rates:

July 27, 1970	\$0.158833*
July 28, 1970	.158833*
July 29, 1970	.158833*
July 30, 1970	.158833*
July 31, 1970	.158833*
August 3, 1970	.158833*
August 4, 1970	.158833*
August 5, 1970	.158666*
August 6, 1970	.158666*
August 7, 1970	.158666*

Thailand baht (tical):

For the period July 27 through August 7, 1970, rate of \$0.0478125.

*Certified as nominal rates

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

(T.D. 70-189)

Synopses of Drawback decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 24, 1970.

The following are synopses of drawback rates and amendments issued June 10 to August 17, 1970, inclusive, pursuant to sections 22.1 and 22.5, inclusive, Customs Regulations.

(731.1)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(A) *Aroplaz 1365, Aroplaz 6006, Hydrofol acids 200, Adogen 58, CAO-1 (technical grade), CAO-3 (food grade), CAO-5 (blend 29).*—Manufactured under section 1313 (b) by (1) Ashland Chemical Co., Columbus, Ohio, a Div. of Ashland Oil and Refining Co., at its factories located at Newark, N.J.; Pensacola, Fla.; Valley Park, Mo.; Los Angeles, Calif.; Peoria, Ill.; and Fords, N.J., with the use of pentaerythritol and phthalic acid, castor oil, rapeseed oil, and para cresol, and by (2) Ashland Chemical Co., Columbus, Ohio, a Div. of Ashland Oil, Inc., *successor*.

Rate effective on articles covered by (1), above, manufactured and exported on and after September 29, 1969, and on the articles covered by (2), above, which are exported on and after February 2, 1970, the date of succession.

Manufacturer's statement of June 22, 1970, forwarded to regional commissioner of customs, Chicago, Ill., July 17, 1970.

(B) *Batteries, carbon electrodes; chemical and asphaltic materials; electro-mechanical devices; flashlights, lanterns, lamp cells and containers; rubber and plastic products; safety equipment; sunglasses.*—Manufactured under section 1313 (b) by Electric Storage Battery Co.,

Inc., Philadelphia, Pa., which was the successor to: Edison Industries, McGraw-Edison Co. (Storage Battery Div.) on August 1, 1960, and Willard Storage Battery Co. and Willard Storage Battery Co. of California on December 31, 1953; and later changed its name to ESB Inc., at its various factories with the use of the specified merchandise set forth in its several statements.

Rate effective on articles manufactured on and after May 20, 1961, and exported on and after May 20, 1963, by the Electric Storage Battery Co., and on those articles manufactured and exported by ESB Inc., on and after June 30, 1967, date of the change in name.

The rights of the Electric Storage Battery Co., Inc., which changed its name of ESB Inc., established by: T.D. 44469-J; T.D. 49563-A; T.D. 44839-L as amended by T.D.'s 45132-N, 50215-A and 50560-A; T.D. 46237-C as amended by T.D. 54533-A, and; T.D. 52047-A as amended by T.D.'s 52754-A, 54024-B, 54579-A and 55580-E, being superseded, *revoked*.

The manufacturer's two statements of March 31, 1967, and those of July 14, 1967, December 5, 1968, and March 17, 1969, forwarded to regional commissioner of customs, Baltimore, Md., June 22, 1970.

(C) *Beverages, still or carbonated*.—Manufactured under section 1313 (b) by Tonkin Corp. of Calif., dba Seven-Up Bottling Co. of Sacramento, Sacramento, Calif., with the use of liquid invert refined sugar.

Rate effective on articles manufactured on and after June 1, 1968, and exported on and after June 26, 1969.

Manufacturer's statement of March 26, 1970, forwarded to regional commissioner of customs, San Francisco, Calif., July 21, 1970.

(D) *Calcium sulfonate (TLA-230); lubricants, and oil additives*.—T.D. 46504-G, as extended and amended, covering petroleum products manufactured under section 1313 (a) and (b) by Texaco, Inc., New York, N.Y., at its various refineries with the use of crude petroleum or petroleum derivatives, further *amended* to cover TLA-230, a calcium sulfonate, manufactured under section 1313 (a) with the use of imported calcium sulfonate, and on lubricants and oil additives manufactured under section 1313 (b) by the company at its various refineries with the use of calcium sulfonate (TLA-230).

Amendment effective on articles manufactured and exported on and after May 17, 1967.

Supplemental statements of August 4, 1969, and June 1, 1970, forwarded to regional commissioner of customs, Houston, Tex., July 9, 1970.

(E) *Cans and covers*.—T.D. 56472-B, covering cans and covers manufactured under section 1313 (b) by Tillie Lewis Foods, Inc., Stockton, Calif., with the use of electrolytic tinplate, *amended* to cover such articles manufactured by the corporation with the use of tin free steel plate.

Amendment effective on articles manufactured on and after January 1, 1970, and exported on and after May 11, 1970.

Supplemental statement of June 4, 1970, forwarded to regional commissioner of customs, San Francisco, Calif., August 17, 1970.

(F) *Clocks and watches*.—T.D. 55378-M covering watches manufactured under section 1313 (a) by Waltham Watch Co., Chicago, Ill., with the use of imported watch movements, cases, backs, crowns, rotors, and bands, *amended* to cover clocks manufactured by the company under section 1313 (a) with the use of clock movements and clock cases, and watches manufactured by the company under section 1313 (b) with the use of watch movements, cases, and heads.

Amendment effective on articles manufactured and exported on and after May 17, 1968.

Supplemental statement of February 3, 1970, forwarded to regional commissioner of customs, Chicago, Ill., June 18, 1970.

(G) *Confections, chocolate*.—Manufactured under section 1313 (b) by R. M. Palmer Co., West Reading, Pa., with the use of chocolate liquor.

Rate effective on articles manufactured on and after December 7, 1968, and exported on and after January 7, 1969.

Manufacturer's statements of November 28, 1969, and April 20, 1970, forwarded to regional commissioners of customs, Baltimore, Md., August 11, 1970.

(H) *Containers (cans), metal*.—Manufactured under section 1313 (b) by Maui Container Co., a partnership, Kahului, Maui, Hawaii, with the use of electrolytic tinplate.

Rate effective on articles manufactured on and after April 22, 1969, and exported on and after April 30, 1969.

Manufacturer's statement of January 29, 1970, forwarded to regional commissioner of customs, San Francisco, Calif., July 29, 1970.

(I) *Electrodes, stainless steel welding*.—Manufactured under section 1313 (b) by The McKay Co., Div. of Teledyne Mid-American Corp., Pittsburgh, Pa., at its factory located at York, Pa., with the use of stainless steel wire.

Rate effective on articles manufactured on and after August 22, 1966, and exported on and after August 22, 1967.

Manufacturer's statement of June 2, 1970, forwarded to regional commissioner of customs, Baltimore, Md., July 10, 1970.

(J) *Film, polyester/polyethylene, coated or electrostatically charged, and slit to customer size.*—Manufactured under section 1313 (b) by Laminex Industries, Inc., Cleveland, Ohio, with the use of polyester/polyethylene film.

Rate effective on articles manufactured and exported on and after October 1, 1968.

Manufacturer's statements of February 12, 1969, July 24, 1969, and May 25, 1970, forwarded to regional commissioner of customs, New York, N.Y., August 12, 1970.

(K) *Fluoride, aluminum (anhydrous).*—T.D. 51777-A, as amended, covering, among other things, aluminum and aluminum alloy pig, ingot, and semi-fabricated products manufactured under section 1313 (b) by Kaiser Aluminum & Chemical Corp., Oakland, Calif., at its Chalmette, La., factory with the use of alumina and aluminum and aluminum alloy pig, ingot, billet, slab, and strip; T.D. 51991-A, as amended, covering, among other things, aluminum and aluminum ingots and fabricated articles manufactured under section 1313 (b) by the above company at its Trentwood, Wash., factory with the use of pig aluminum and alloy pig aluminum, further *amended* to cover aluminum fluoride (anhydrous) manufactured by the said company at its Gramercy, La., factory with the use of fluorspar.

Amendment effective on articles manufactured on and after October 16, 1962, and exported on and after March 31, 1964.

Supplemental statements of June 20, 1969, and April 9, 1970, forwarded to regional commissioner of customs, New York, N.Y., June 10, 1970.

(L) *Gas, fuel; unsaturated aliphatic hydrocarbons; aromatics; ethylene; polyethylene; and ethylene oxide.*—Fuel gas, unsaturated aliphatic hydrocarbons, aromatics, and ethylene manufactured under section 1313 (b) by Union Carbide Corp., New York, N.Y., at its Torrance, Calif., factory with the use of refinery gas; polyethylene, and ethylene oxide manufactured by the company under section 1313 (b) with the use of ethylene at such factory.

Rate effective on articles manufactured on and after January 1, 1967, and exported on and after January 7, 1967.

Manufacturer's statements of June 5, 1969, and April 29, 1970, forwarded to regional commissioner of customs, New York, N.Y., June 25, 1970.

(M) *Insulated coaxial cable core and blended powders (polytet alloy powders); extruded or molded rods, tubes, sheets and shapes.*—T.D. 67-227-B covering the foregoing manufactured under section 1313 (a) by Ethylene Corp., Murray Hill, N.J., with the use of imported polytetrafluoroethylene resin powder or polytet alloy powders manufactured thereunder, *amended* to cover the said articles manufactured under section 1313 (b).

Amendment effective on articles manufactured on and after June 1, 1966, and exported on and after September 1, 1966.

Manufacturer's supplemental statement of September 8, 1969, and corrections of May 25, 1970, forwarded to regional commissioners of customs, New York, N.Y., and Baltimore, Md., July 13, 1970.

(N) *Ordram, technical; technical Byram; and technical Betasan.*—T.D. 54109-D, as amended by T.D.'s 54255-F, 54990-C, 54642-J, and 70-12-M, covering, among other things, agricultural or household insecticides manufactured under section 1313 (a) by Stauffer Chemical Co., New York, N.Y., at its Vernon, Calif.; Bayonne, N.J.; and Houston, Tex., factories with the use of imported technical lindane (gamma benzene hexachloride), further *amended* to cover technical Ordram and Byram manufactured by the company at its Bucks, Ala., factory under section 1313 (b) with the use of hexamthylenimine; and technical Betasan manufactured by the company at its aforesaid factory under section 1313 (b) with the use of benzene sulfonyl chloride.

Amendment effective on technical Ordram and Byram manufactured on and after May 25, 1967, and exported on and after June 15, 1967, and on technical Betasan which is manufactured on and after September 29, 1966, and exported on and after December 28, 1966.

Supplemental statement of October 29, 1969, forwarded to regional commissioner of customs, New York, N.Y., July 2, 1970.

(O) *Relish, cranberry orange.*—T.D. 45330-B, as amended by T.D.'s 45857-C, 54395-C and 55404-C, covering cranberry sauce and cranberry juice cocktail manufactured under section 1313(b) by Ocean Spray Cranberries, Inc., Hanson, Mass., at its factories located at Hanson and Onset, Mass.; Bordentown, N.J.; North Chicago, Ill.; Coquille, Oreg.; and Markham, Wash., with the use of liquid sugar, further *amended* to cover the said products and cranberry orange relish manufactured by the corporation under section 1313(b) at its above factories with the use of liquid invert refined sugar.

Amendment effective on articles manufactured on and after January 1, 1969, and exported on and after October 16, 1969.

Supplemental statement of June 24, 1970, forwarded to regional commissioner of customs, Boston, Mass., August 14, 1970.

(P) *Strip, bi-metal; bi-metal wire; and wire lead frames.*—Manufactured under section 1313(b) by (1) Metals & Controls, Inc., Div. of Texas Instruments, Incorporated, Attleboro, Mass., with the use of steel alloy and other metal alloys, and (2) by Texas Instruments, Inc., Div. of Texas Instruments Incorporated, Attleboro, Mass., *successor*.

Rate effective on articles covered by (1), above, which are manufactured and exported on and after December 2, 1968, and by (2), above, which are exported on and after January 1, 1970.

Manufacturer's statement of January 23, 1970, forwarded to regional commissioner of customs, Boston, Mass., August 13, 1970.

(Q) *Styrene, polymerized ("Styron").*—T.D. 55351-G, as amended, covering, among other things, polymerized styrene ("Styron") manufactured under section 1313(b) by The Dow Chemical Co., Midland, Mich., with the use of styrene, rubber grade, further *amended* to cover such articles manufactured at additional factories located at Torrance, Calif., and Ironton, Ohio.

Amendment effective on articles manufactured and exported on and after January 1, 1967.

Supplemental statement of December 10, 1969, forwarded to regional commissioner of customs, Chicago, Ill., June 24, 1970.

(R) *Syrup, 7-Up.*—T.D. 67-84-I, covering soft drinks (canned 7-Up) manufactured under section 1313(b) by Seven-Up Research Corp., St. Louis, Mo., through its agents operating under rates of drawback established under section 1313(b), *amended* to cover 7-UP fountain syrup manufactured under section 1313(b) by Seven-Up Research Corp. through its aforesaid agents with the use of liquid or dry refined sugar.

Amendment effective on articles manufactured and exported on and after April 5, 1961.

Manufacturer's supplemental statement of April 24, 1970, forwarded to regional commissioner of customs, Chicago, Ill., July 14, 1970.

(S) *Tubing, zirconium alloy.*—T.D. 47984-E, as extended, covering, among other things, sheet brass manufactured under section 1313(b) by Chase Brass & Copper Co., Inc., Cleveland, Ohio, at its Euclid, Ohio, factory with the use of zinc, *amended* to cover zirconium alloy tubing manufactured by the said company at its Waterbury, Conn., factory with the use of zirconium alloy billets.

Amendment effective on articles manufactured and exported on and after September 16, 1969.

Supplemental statement of March 13, 1970, forwarded to regional commissioners of customs, New York, N.Y., and Chicago, Ill., June 18, 1970.

(T) *Yarn, polyester*.—Manufactured under section 1313(b) by Charm Tred Mills, Div. of Burlington Industries, Inc., Monticello, Ark., with the use of polyester fiber.

Rate effective on articles manufactured and exported on and after June 17, 1969.

Manufacturer's statement of April 15, 1970, forwarded to regional commissioner of customs, New York, N.Y., June 12, 1970.

(T.D. 70-190)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 27, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.
(133.121)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

TARIFF CLASSIFICATION

T.D. 70-190(1) *Articles, nspf, of plastics. Urine specimen collection bag*.—Transparent plastic bag which is attached to a baby by means of an adhesive, and which is used for the collection of urine specimens, classifiable under the provision for articles of plastic in *item 774.60*, TSUS. Bureau letter dated July 28, 1970. (418.44)

T.D. 70-190(2) *Articles of wood, nspf. Garden stakes*.—Hardwood sticks in sizes of 1 $\frac{7}{8}$ by 1 $\frac{7}{8}$ inches and 2 by 2 inches, in lengths of 5, 6, and 7 feet, pointed at one end, and used as stakes to support such plants as grape vines, tomato plants, and similar plants and vines, classifiable under the provision for articles nspf, of wood, in *item 207.00*, TSUS. Bureau letter dated July 27, 1970. (481.16)

T.D. 70-190(3) *Articles of wood, nspf. Lampshade kit*.—A kit containing wooden slotted slats of pine and a bracket which, when assembled as stacked squares, forms a lampshade, classifiable under the provision for articles nspf, of wood, in *item 207.00*, TSUS. Bureau letter dated August 11, 1970. (481.39)

T.D. 70-190(4) *Beverages, nspf. Plastic toy car filled with a flavored, non-carbonated soft drink*.—A plastic toy car filled with a

flavored non-carbonated soft drink, classifiable under the provision for beverages, nspf, in *item 166.40*, TSUS. If the beverage is in chief value of sugar, an additional duty is assessable under *item 901.00*, TSUS. Since the article is a product of Australia, the countervailing duty on the sugar content is also applicable. The plastic car, designed primarily for sales promotion purposes, not reusable for any specific purpose, is not separately dutiable. Bureau letter dated July 24, 1970. (464.62)

T.D. 70-190(5) *Clothing for paper-making, printing, or other machines, in the piece or as units, nspf, of textile materials, of man-made fibers. Newspaper press blankets of laminated cork and man-made textile fabric.*—Newspaper printing press blankets, of laminated cork and man-made textile fabric, classifiable under the provision for machine clothing of man-made fibers, in *item 358.50*, TSUS. Bureau letter dated July 20, 1970. (482)

T.D. 70-190(6) *Electrical articles, nspf.*—Equipment for use with electric guitars, organs, and other electrical instruments to produce sound effects described as “fuzz,” “wah wah,” “chorus,” “vibrato,” “tremolo,” “surf,” and “tornado” effects, classifiable under the provision for electrical articles, nspf, in *item 688.40*, TSUS. Bureau letter dated August 6, 1970. (431.51)

T.D. 70-190(7) *Electrical measuring, checking, or analyzing instruments and apparatus. Differential thermal analyzer.*—Apparatus for differential thermal analysis, consisting of a furnace, temperature programmer, lead assembly containing thermocouples, and amplifier and pen recorders, classifiable under the provision for electrical measuring, checking, or analyzing instruments and apparatus in *item 712.49*, TSUS. Bureau letter dated July 17, 1970. (426.846)

T.D. 70-190(8) *Electrical measuring, checking, or analyzing instruments and apparatus. Thermogravimetric analyzer.*—Apparatus for thermogravimetric analysis, consisting of a modified balance, furnace, transformers, amplifiers, servo systems, and electronic circuitry, classifiable under the provision for electrical measuring, checking, or analyzing instruments and apparatus in *item 712.49*, TSUS. Bureau letter dated July 17, 1970. (426.846)

T.D. 70-190(9) *Electro-medical apparatus. Cardiograph, ultrasonic.*—Echo cardiograph, for cardiac examination using ultrasonic waves, with results read on an oscilloscope, classifiable under the provision for electro-medical apparatus in *item 709.17*, TSUS. Bureau letter dated July 20, 1970. (426.85)

T.D. 70-190(10) *Expanded or foamed plastics, flexible, and articles nspf, made of such plastics. Welt cord, upholsterer's.*—Upholsterer's

welt cord made of flexible foamed polyethylene plastic, classifiable under the provision for expanded or foamed plastics, flexible, and articles nspf, made of such plastics, in *item 770.80*, TSUS. Bureau letter dated July 28, 1970. (474.66)

T.D. 70-190(11) *Flexible expanded plastics, and articles nspf, wholly or almost wholly of such plastics. Polystyrene insulation board.*—Expanded polystyrene insulation board, approximately 1/2-inch thick which has a sponge-like resiliency and which is flexible, classifiable under the provision for flexible expanded plastics, and articles nspf, wholly or almost wholly of such plastics, in *item 770.80*, TSUS. Bureau letter dated July 22, 1970. (418.44)

T.D. 70-190(12) *Footwear of leather, for men, youths, and boys. Slip-on footwear similar to "slippers."*—Footwear of leather which consists of a leather upper cemented to a leather one-piece sole; a heel of underwedge construction; and no closures of any type, but without (1) an upper permanently trimmed in real or imitation fur collar, or (2) a split leather tread sole (including heel) held together by a blown sponge-rubber midsole created and simultaneously vulcanized thereto, classifiable under the provisions for other men's, youths', or boys' footwear, of leather, in *item 700.35*, TSUS, and not under the provision for leather slippers in *item 700.32*, TSUS. Bureau letter dated July 24, 1970. (455.44)

T.D. 70-190(13) *Gears and gear boxes. Machines nspf. Classification principles: "Tariff entireties."*—Single, fixed-ratio gears, integrated in use with controllable pitch propellers in a combined unit but retaining their separate identities without subordination of function, separately classifiable: The gears under the provision for fixed ratio speed changers in *item 680.45*, TSUS; and the controllable pitch propellers under the provision for machines, nspf, in *item 678.50*, TSUS. Bureau letter dated July 28, 1970. (433.51)

T.D. 70-190(14) *Hand tools (including table, kitchen, and household implements of the character of hand tools), nspf, of iron or steel. Corkscrew and bottle opener.*—Corkscrew and bottle opener, made of gold-plated stainless steel, parts of bar sets, classifiable under the provision for hand tools (including table, kitchen, and household implements of the character of hand tools), nspf, of iron or steel, in *item 651.47*, TSUS. Bureau letter dated July 31, 1970. (424.14)

T.D. 70-190(15) *Luggage and handbags of textile materials. Flight bag, nylon.*—Flight bag, constructed of nylon taffeta with polyvinyl

chloride backing, classifiable under the provision for luggage and handbags of textile materials, in *item 706.24*, TSUS. Bureau letter dated July 21, 1970. (418.44)

T.D. 70-190(16) *Machines, ns pf.*—Electron beam apparatus used in the manufacture of integrated circuits by exposing a photoresist-coated silicon wafer directly to an electron beam, and which incorporates mechanisms for paper tape inputs and for moving the work stage by means of a shift system which uses stepping motors and feed screws, classifiable under the provision for machines, ns pf, in *item 678.50*, TSUS. Bureau letter dated July 30, 1970. (431)

T.D. 70-190(17) *Machine tools and parts thereof. Tumble polisher and facetting head, lapidary.*—Lapidary's tumble polisher and facetting machine classifiable under the provision for other machine tools in *item 674.42*, TSUS. Facetting head, when imported separately for use on lapping equipment, classifiable under the provision for parts of machine tools in *item 674.53*, TSUS. Bureau letter dated July 17, 1970. (434)

T.D. 70-190(18) *Medical apparatus, hypodermoclysis.*—Hypodermoclysis apparatus for transfer of saline solution, plasma, glucose, etc., from a container to an indwelling needle or catheter, consisting of a filtering device, flow regulating device, transparent plastic tubing, and terminals designed for connection to a fluid container and a needle or catheter so that sterility may be maintained, classifiable under the provision for medical apparatus in *item 709.27*, TSUS. Bureau letter dated August 4, 1970. (418.44)

T.D. 70-190(19) *Medical instruments and apparatus. Mucus ejector.*—An all-plastic disposable mucus extractor, sold in a sterile plastic bag and chiefly used by medical practitioners to extract mucus specimens from the patient's throat by placing one of the attached tubes in the mouth or throat, syphoning the mucus which then passes through the other tube into the attached vial, classifiable as other medical instruments under *item 709.27*, TSUS. Bureau letter dated July 22, 1970. (426.85)

T.D. 70-190(20) *Mountings, ns pf, designed for motor vehicles. Air spoiler.*—Air spoilers which are aluminum, wing-like articles mounted on the trunk lids of automobiles to improve high speed stability through aerodynamic principles, classifiable under the provision for mountings, ns pf, designed for motor vehicles, in *item 647.01*, TSUS. Bureau letter dated July 21, 1970. (426.13)

T.D. 70-190(21) *Other lifting, handling, loading, or unloading machinery. Brailing block.*—Brailing block designed to operate only in conjunction with a brailer for hoisting fish in the commercial fishing industry, consisting of a mechanism for release of the load of fish held in the brailer, and used in hoisting fish from the water to the hold of the boat, or from the hold of the boat to the cannery dock, classifiable under the provision for other lifting, handling, loading, or unloading machinery in *item 664.10*, TSUS. Bureau letter dated July 24, 1970. (423.11)

T.D. 70-190(22) *Radiobroadcasting and reception apparatus, and parts thereof. Bandpass mechanical filter.*—Standard bandpass mechanical filters for use in radio communications equipment, classifiable under the provision for radiobroadcasting and reception apparatus and parts thereof, in *item 685.25*, TSUS. Bureau letter dated July 21, 1970. (431.51)

T.D. 70-190(23) *Television apparatus. Graphical display system.*—Graphical display systems, which are equipped for displaying on a television monitor data readouts in wave-form similar to readouts produced by pen records, from input information from a data logger, process control computer, magnetic tape, or analog signals from most standard signal conditioners, classifiable under the provision for television apparatus in *item 685.20*, TSUS. Bureau letter dated July 20, 1970. (431.53)

T.D. 70-190(24) *Television transmission and reception apparatus.*—Equipment for converting the European PAL TV signal, made up of 625 lines at 50 cycles, to the United States signal, made up of 525 lines at 60 cycles, to be used by broadcasting companies to make live transoceanic broadcasts without having to ship American equipment abroad, classifiable under the provision for television transmission and reception apparatus in *item 685.20*, TSUS. Bureau letter dated August 6, 1970. (431)

T.D. 70-190(25) *Textile floor coverings. Machine-made rya rugs.*—Machine-made rya rugs with pile of wool or linen, not made on traditional wilton or axminster carpet looms, are classifiable under the provision for other textile floor coverings of pile or tufted construction, in which the pile was inserted or knotted during weaving or knitting, with pile not hand-inserted and not hand-knotted, in *item 360.48*, TSUS. Bureau letter dated August 10, 1970. (475.26)

(T.D. 70-191)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textile products, in category 34, manufactured or produced in Romania

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 27, 1970.

There is published below the directive of August 12, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the United States of cotton textile products, in category 34, manufactured or produced in Romania.

This directive was published in the Federal Register on August 18, 1970 (35 F.R. 13163), by the Interagency Textile Administrative Committee.

(343.3)

MYLES J. AMBROSE,
Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

August 12, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning August 14, 1970, and extending through August 13, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 34, produced or manufactured in Romania, in excess of a level of restraint for the period of 162,068 pieces.

In carrying out this directive, entries of cotton textile products in Category 34, produced or manufactured in Romania, which have been exported to the United States from Romania prior to August 14, 1970,

shall, to the extent of any unfilled balance, be charged against the level of restraint established for such goods during the period August 14, 1969, through August 13, 1970. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 34 in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-192)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 31, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period August 24 through August 28, 1970, rate of \$0.249364.

Denmark krone:

August 24, 1970	-----	\$0. 133300
August 25, 1970	-----	. 133306
August 26, 1970	-----	. 133353
August 27, 1970	-----	. 133312
August 28, 1970	-----	. 133300

Hong Kong dollar:

For the period August 3 through August 14, 1970, Official rate of \$0.163750, and the following Free rates:

August 3, 1970	-----	No Rate
August 4, 1970	-----	\$0. 164338
August 5, 1970	-----	. 164304
August 6, 1970	-----	. 164271
August 7, 1970	-----	. 164169
August 10, 1970	-----	. 164136
August 11, 1970	-----	. 164169
August 12, 1970	-----	. 164136
August 13, 1970	-----	. 164169
August 14, 1970	-----	. 164068

Iran rial:

For the period August 10 through August 21, 1970, rate of \$0.0130333.

Philippine peso:

For the period August 10 through August 21, 1970, Official rate of \$0.256410* and Free rate \$0.158666*.

Thailand baht (tical):

For the period August 10 through August 21, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4 Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rates.

(T.D. 70-193)

Customs Delegation Order No. 37

Order of the Commissioner of Customs transferring the functions under Public Law No. 362—84th Congress—1st Session, to agents of the Customs Agency Service

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., September 1, 1970.

Under the authority conferred upon me by Treasury Department Order No. 165-5, dated October 17, 1956 (T.D. 54222, 21 F.R. 8242), the functions under Public Law No. 362—84th Congress—1st Session (Act of August 11, 1955, 21 U.S.C. 198a, 198b, 198c), are hereby transferred as follows:

1. All of the said functions are transferred to special agents in charge of the Bureau of Customs;
2. All of the said functions, except the authority to issue subpoenas, are transferred to senior resident special agents, resident special agents, and special agents of the Bureau of Customs.

This order supersedes Customs Delegation Order No. 10, dated October 19, 1956 (T.D. 54223, 21 F.R. 8242).

(191.1)

(193.3)

MYLES J. AMBROSE,
Commissioner of Customs.

[Published in the Federal Register September 9, 1970 (35 F.R. 14223)]

(T.D. 70-194)

Customs Delegation Order No. 38

Order of the Commissioner of Customs delegating certain functions, rights, privileges, powers and duties to customs agents

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., September 1, 1970.

By virtue of authority vested in me by Treasury Department Order No. 165, Revised (T.D. 53654, 19 F.R. 7241), the functions, rights, privileges, powers, and duties formerly vested by section 509 of the Tariff Act of 1930, as amended (19 U.S.C. 1509), in collectors of customs and appraisers of merchandise to cite to appear before them

and examine upon oath, which said officers are authorized to administer, any owner, importer, consignee, agent, or other person upon any matter or thing which they may deem material respecting any imported merchandise then under consideration or previously imported within one year, in ascertaining the classification or the value thereof or the rate or amount of duty; and to require the production of any letters, accounts, contracts, invoices, or other documents relating to said merchandise, and to require such testimony to be reduced to writing, which functions, rights, privileges, powers, and duties were delegated to district directors of customs and regional commissioners of customs by Customs Delegation Order No. 22 (T.D. 56470, 30 F.R. 11180) and to the assistant regional commissioners and the deputy regional commissioner of customs for Customs Region II, New York, by Customs Delegation Orders Nos. 23 and 24 (T.D. 66-100, 31 F.R. 7150; and T.D. 66-113, 31 F.R. 7842), are hereby delegated also to special agents in charge, deputy special agents in charge, and assistant special agents in charge of the Bureau of Customs, effective on the date of publication of this order in the Federal Register.

This order supersedes Customs Delegation Order No. 26, dated August 12, 1966 (T.D. 66-170, 31 F.R. 11039).

(191.1)

(193.3)

MYLES J. AMBROSE,
Commissioner of Customs.

[Published in the Federal Register September 9, 1970 (35 F.R. 14223)]

(T.D. 70-195)

Red Lead

Approval of practice of classification and rate of duty on red lead under item 473.56, Tariff Schedules of the United States (TSUS). Complaint of domestic producer under section 516(b), Tariff Act of 1930, as amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., September 3, 1970.

In a letter of December 11, 1969, the law firm of Alvord and Alvord submitted a complaint pursuant to section 516(b), Tariff Act of 1930, as amended, in behalf of Hammond Lead Products, Inc., Hammond, Indiana, described as an American manufacturer of red lead, protesting the classification and rate of duty on red lead produced in Mexico, which they contended was subject to a bounty or grant from the

Mexican government within the meaning of section 303 of the Tariff Act of 1930, as amended.

In April 1970, counsel for the domestic producer was informed that the existence of such a bounty or grant within the meaning of the statutory provision had not been established. They were further informed that the Bureau was of the opinion that red lead was properly classifiable under the provision for pigments containing lead in item 473.56, TSUS, dutiable at 1.87 cents per pound.

In July 1970, the Bureau was notified that the domestic producer desired to protest the classification and rate of duty assessed on red lead and designated Laredo, Texas, as the port of entry.

In accordance with the provisions of section 516(b), notice is hereby given that the domestic producer has provided the notice contemplated by the statute that it desires to protest the rate of duty on red lead. However, under section 516(b), the present practice of not assessing additional duty under section 303 will be continued so long as no decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals not in harmony with this decision is published.

(644)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved August 31, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register September 15, 1970 (35 F.R. 14471)]

(T.D. 70-196)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., September 9, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period August 31 through September 4, 1970, rate of \$0.249364.

Denmark krone:

August 31, 1970.....	\$0.133308
September 1, 1970.....	.133300
September 2, 1970.....	.133333
September 3, 1970.....	.133300
September 4, 1970.....	.133300

Hong Kong dollar:

For the period August 17 through August 21, 1970, Official rate of \$0.163750. Free rate not available.

Iran rial:

For the period August 24 through August 28, 1970, rate of \$0.0130333.

Philippine peso:

For the period August 24 through August 28, 1970, Official rate of \$0.257410* and the following Free rates:

August 24, 1970.....	\$0.158666*
August 25, 1970.....	.158666*
August 26, 1970.....	.158666*
August 27, 1970.....	.158500*
August 28, 1970.....	.158500*

Thailand baht (tical):

For the period August 24 through August 28, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rates.

(T.D. 70-197)

*Countervailing duties—Sugar content of certain articles from
Australia*

Net amount of bounty declared for the months of April, May, and June 1970, for products of Australia subject to the countervailing duty order published in T.D. 54582. Section 16.24(f), Customs Regulations, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 16—LIQUIDATION OF DUTIES

For administrative reasons, the countervailing duty to be imposed on the sugar content of certain articles from Australia will be published quarterly instead of monthly.

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the months of April, May, and June 1970, of approved fruit products and other approved products containing sugar amounts to Australian \$81.10, \$76.50, and \$82.10, respectively, per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be the rates stated above. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in section 16.24(f) under "Australia—Sugar content of certain articles" is amended (1) by deleting therefrom the reference to T.D. 69-229 and (2) by adding a reference to this Treasury decision. As amended the last three lines of the table under this commodity will read:

Country	Commodity	Treasury Decision	Action
		69-253 70-105 70-197	New rate New rate New rate

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624.)
(644)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved August 25, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register September 18, 1970 (35 F.R. 14609)]

(T.D. 70-198)

Antidumping—Whole dried eggs from Holland

The Secretary of the Treasury makes public a finding of dumping with respect to whole dried eggs from Holland. Section 153.43, Customs Regulations, amended

TREASURY DEPARTMENT,
Washington, D.C., September 11, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 153—ANTIDUMPING

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that whole dried eggs from Holland are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on July 31, 1970, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of whole dried eggs from Holland sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to whole dried eggs from Holland.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

<i>Merchandise</i>	<i>Country</i>	<i>T.D.</i>
Whole dried eggs	Holland	70-198

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)
(643.3)

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register September 18, 1970 (35 F.R. 14609)]

(T.D. 70-199)

Bonded Carriers

Approval and discontinuance of carrier bonds, Customs Form 3587

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., September 15, 1970.

Bonds of carriers for the transportation of bonded merchandise have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at end of list.

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/ district director; amount
A.C.E. Freight, Inc., 210 E. Twinsburg Rd., Northfield, Ohio, motor carrier; U.S. Fidelity & Guaranty Co. D 8-14-70	June 16, 1969	July 1, 1969	Cleveland, Ohio; \$35,000
Airborne Freight Corp. (Del. corp.), San Francisco Int'l Airport, San Francisco, Calif., freight forwarder; The Aetna Casualty & Surety Co. PB(3-1-63) D 5-31-69	June 1, 1969	July 28, 1969	San Francisco, Calif.; \$100,000
Alltrans Express Calif., Inc., dba Walkup's Merchants Express, 435 23rd St., San Francisco, Calif., motor carrier; Transport Indemnity Co. PB(2-29-68) D 7-1-70	July 1, 1970	July 1, 1970	San Francisco, Calif.; \$25,000
Brady Motorfrate, Inc. (Iowa corp.), 2105 Grand Ave., Des Moines, Iowa, motor carrier; General Ins. Co. of America PB(5-11-66) D 7-6-70	May 11, 1970	July 6, 1970	Detroit, Mich.; \$50,000
P. Callahan, Inc., Comly St. & Delaware River, Philadelphia, Pa., motor carrier; New Hampshire Ins. Co. PB(6-23-53) D 6-23-70	June 23, 1970	Aug. 18, 1970	Philadelphia, Pa.; \$25,000
Canadian Pacific Express Co., Toronto, Can., rail carrier; U.S. Fidelity & Guaranty Co. D 7-15-70	Apr. 19, 1945	May 10, 1945	Portland, Me.; \$100,000
Central of Georgia Railway Co., Savannah, Ga., rail carrier; Transamerica Ins. Co. D 4-7-68	Apr. 6, 1959	Apr. 9, 1959	Savannah, Ga.; \$50,000
Chippewa Motor Freight, Inc., Eau Claire, Wis., motor carrier; Maryland Casualty Co. D 9-11-70	Sept. 12, 1969	Oct. 17, 1969	Milwaukee, Wis.; \$25,000
B. G. Costich, Inc., 271 Hayward Ave., Rochester, N.Y., motor carrier; The Travelers Indemnity Co.	July 24, 1970	Aug. 5, 1970	Buffalo, N.Y.; \$25,000
Delta Motor Line, Inc., 301 S. 11th St., Fort Smith, Ark., motor carrier; Fireman's Fund Ins. Co. D 3-1-66	May 19, 1963	Aug. 1, 1963	New Orleans, La.; \$10,000
L. G. DeWitt, Inc. (Fla. corp.), Pompano Beach, Fla., motor carrier; The Home Indemnity Co.	Nov. 28, 1969	July 1, 1970	Wilmington, N.C.; \$25,000
L. G. DeWitt, Inc. (N.C. corp.), Ellerbe, N.C., motor carrier; The Home Indemnity Co.	Nov. 28, 1969	July 1, 1970	Wilmington, N.C.; \$25,000
Domestic Air Express, Inc. (Del. Inc.), 147-17 176th St., Jamaica, N.Y., motor carrier; St. Paul Fire & Marine Ins. Co. D 8-27-70	June 9, 1969	June 12, 1969	New York, N.Y.; \$50,000
D. Donnelly Ltd., Montreal, Quebec, Can., motor carrier; U.S. Fidelity & Guaranty Co.	Aug. 21, 1970	Aug. 25, 1970	Ogdensburg, N.Y.; \$25,000
Eagle Trucking, Inc., 9300 N.W. 36th Ave., Miami, Fla., motor carrier; Fidelity & Deposit Co. of Md.	Aug. 18, 1970	Aug. 24, 1970	Miami, Fla.; \$25,000
Ira Farrell & Laurel Farrell dba Ira Farrell & Son, 12 Starbitt St., Houlton, Me., motor carrier; Peerless Ins. Co. D 7-15-70	May 20, 1969	June 17, 1969	Portland, Me.; \$25,000
A. K. Finney Co., Inc., 130 Sandwich St., Plymouth, Mass., motor carrier; Lumbermens Mutual Casualty Co. D 6-1-66	June 1, 1963	Sept. 4, 1963	Boston, Mass.; \$25,000
Jose M. Fourquet Transportes Perla del Sur., P.O. Box 74, Ponce, P.R., motor carrier; Great American Ins. Co. D 2-15-68	Aug. 15, 1965	Sept. 17, 1965	San Juan, P.R.; \$10,000

See footnotes at end of table.

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
Fuller Transportation, Inc., 1200 Shull St., W. Columbia, S.C., motor carrier; The Travelers Indemnity Co.	July 27, 1970	Aug. 4, 1970	Charleston, S.C.; \$25,000
G.&P. Trucking Co., Inc., P.O. Box 2128, Greenwood, S.C., motor carrier; Ins. Co. of North America	July 15, 1966	July 15, 1966	Charleston, S.C.; \$25,000
Garafalo & Sons, Inc., 142 21st St., Brooklyn, N.Y., motor carrier; St. Paul Fire & Marine Ins. Co.	July 24, 1970	Aug. 3, 1970	New York, N.Y.; \$25,000
General Wholesale Co., 710 Ashby St., N.W., Atlanta, Ga., motor carrier; Fireman's Fund Ins. Co.	Feb. 20, 1969	Mar. 5, 1969	Savannah, Ga.; \$25,000
D 7-8-70			
J. S. Gissel & Co., 8201 Erath St., P.O. Box 5006, Houston, Tex., water carrier; The American Ins. Co.	July 10, 1970	July 28, 1970	Houston, Tex.; \$50,000
PB(7-10-68) D 7-28-70			
Georgia Highway Express, Inc., 2090 Jonesboro Rd., S.E., Atlanta, Ga., motor carrier; The American Ins. Co.	July 8, 1970	July 23, 1970	Savannah, Ga.; \$50,000
PB(4-4-64) D 7-23-70			
James F. Herlihy Trucking Co., 20 Emma St., Binghamton, N.Y., motor carrier; The Travelers Indemnity Co.	July 24, 1970	Aug. 17, 1970	Buffalo, N.Y.; \$25,000
James Hughes Inc., 17 Battery Place, New York, N.Y., water carrier; Aetna Ins. Co.	Aug. 12, 1970	Aug. 24, 1970	New York, N.Y.; \$50,000
Illinois Central Railroad, Chicago, Ill., rail carrier; Seaboard Surety Co.	July 22, 1970	July 22, 1970	Chicago, Ill.; \$50,000
PB(7-22-57) D 7-22-70			
Inter Ocean Service Corp., Ft. of 57th St., Hudson River, Weehawken, N.J., motor carrier; St. Paul Fire & Marine Ins. Co.	July 31, 1970	Aug. 3, 1970	New York, N.Y.; \$50,000
PB(2-3-70) D 8-3-70			
Keystone Tankship Corp., 313 Chestnut St., Philadelphia, Pa., water carrier; St. Paul Fire & Marine Ins. Co.	July 2, 1970	July 2, 1970	Philadelphia, Pa.; \$50,000
Kingsway Transports Ltd., 10525 Cote de Liesse Rd., Dorval 760, Quebec, Can., motor carrier; The Continental Ins. Co.	June 1, 1970	July 13, 1970	Ogdensburg, N.Y.; \$25,000
PB(8-17-59) D 7-13-70			
Kulp-Waco Corp., 100 Lakeview Ave., Buffalo, N.Y., motor carrier; Security Ins. Co. of Hartford	Oct. 4, 1963	Oct. 7, 1963	Buffalo, N.Y.; \$10,000
D 7-27-70			
Chas Kurz & Co., Inc., 313 Chestnut St., Philadelphia, Pa., water carrier; St. Paul Fire & Marine Ins. Co.	July 2, 1970	July 2, 1970	Philadelphia, Pa.; \$50,000
Lapp Express Co., Inc., Maple Ridge Rd., Medina, N.Y., motor carrier; Liberty Mutual Ins. Co.	July 8, 1970	July 16, 1970	Buffalo, N.Y.; \$25,000
PB(4-20-54) D 7-16-70			
George A. Lewis, Ltd., 7 Birchwood Ct., St. Stephen, N.B., Can., motor carrier; Maine Bonding & Casualty Co.	July 15, 1970	July 24, 1970	Portland, Me.; \$25,000
Lift Van Transport Co., Inc., 2581 Richmond Terrace, Staten Island, N.Y., motor carrier; American Casualty Co. of Reading, Pa.	July 26, 1970	July 30, 1970	New York, N.Y.; \$50,000
PB(12-8-67) D 7-30-70			
Louisville & Nashville Railroad Co., Louisville, Ky., rail carrier; The Aetna Casualty & Surety Co.	July 25, 1970	Aug. 11, 1970	Cleveland, Ohio; \$100,000
PB(7-25-41) D 8-11-70			
Mexi-Cana Reefer Services Ltd., 880 Malkin Ave., Vancouver, B.C., Can., motor carrier; St. Paul Fire & Marine Ins. Co.	May 21, 1970	July 1, 1970	Seattle, Wash.; \$25,000

See footnotes at end of table.

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
National Airlines, Inc., P.O. Box NAL, Miami, Fla., air carrier; Continental Casualty Co. D 2-5-70	July 17, 1962	July 25, 1962	Miami, Fla.; \$100,000
Esteban Nazario dba Esteban Nazario, Inc., P.O. Box 3681, Mayaguez, P.R., motor carrier; Security Ins. Co.	Jan. 22, 1968	Feb. 28, 1968	San Juan, P.R.; \$25,000
North Shore Freight Lines, Inc., 202 S. 26th Ave. W., Duluth, Minn., motor carrier; The Travelers Indemnity Co. D 8-26-70	July 22, 1965	Aug. 2, 1965	Duluth, Minn.; \$10,000
O.K. Motor Service, Inc., 2513 W. Armitage Ave., Chicago, Ill., motor carrier; Continental Casualty Co. D 6-3-68	Apr. 30, 1965	May 27, 1965	Chicago, Ill.; \$10,000
The O. K. Trucking Co., 1810 South St., Cincinnati, Ohio, motor carrier; The Travelers Indemnity Co. D 7-8-67	Apr. 25, 1963	May 13, 1963	Cleveland, Ohio; \$15,000
O.N.C. Motor Freight System, 2800 W. Bayshore Rd., Palo Alto, Calif., motor carrier; Transport Indemnity Co. PB(12-4-64) D 6-5-70 ¹¹	June 5, 1970	June 5, 1970	San Francisco, Calif.; \$25,000
Padre Freight Lines, 886 N. Mission Rd., Los Angeles, Calif., motor carrier; American Bonding Co.	Feb. 2, 1970	Aug. 28, 1970	San Diego, Calif.; \$25,000
The Peninsular & Occidental Steamship Co., New Haven, Conn., water carrier; National Surety Corp. D 7-28-70	July 25, 1941	Aug. 13, 1941	Tampa, Fla.; \$100,000
Pluto Trucking Service, Inc., 1219 Morris St., Philadelphia, Pa., motor carrier; Aetna Ins. Co. PB(6-11-68) D 8-17-70 ¹²	Aug. 17, 1970	Aug. 25, 1970	Philadelphia, Pa.; \$25,000
D. W. Ramsay Motor Freight, Inc., 1616 E. 26th, Tacoma, Wash., motor carrier; The Travelers Indemnity Co. D 8-18-70	Aug. 18, 1969	Sept. 11, 1969	Portland, Oreg.; \$25,000
Red Star Express Lines of Auburn, Inc., and P. S. Dubrey Trucking, Inc., Auburn, N.Y.; motor carrier; Fireman's Fund Ins. Co. PB(6-11-68) D 7-30-70 ¹³	July 30, 1970	July 30, 1970	New York, N.Y.; \$50,000
Savannah & Atlanta Railway Co., Savannah, Ga., rail carrier; Transamerica Ins. Co. D 4-7-68	Mar. 29, 1969	Apr. 10, 1969	Savannah, Ga.; \$50,000
E. A. Schlaifert Transfer Co., 248 W. Chester Ave., S.E., Atlanta, Ga., motor carrier; American Casualty Co.	July 15, 1970	Aug. 18, 1970	Cleveland, Ohio; \$25,000
Tamiami Freightways, Inc., 4305 21st Ave., Tampa, Fla., motor carrier; American Motorists Ins. Co. D 7-9-70	June 1, 1968	June 13, 1968	Tampa, Fla.; \$25,000
Transportes Perla del Sur, 78 Hostos Ave., Ponce, P.R., motor carrier; St. Paul Fire & Marine Ins. Co. PB(5-14-68) D 5-14-69 ¹⁴	May 14, 1969	May 20, 1969	San Juan, P.R.; \$25,000
United Expressways, Inc., 2501 S. Alameda St., Los Angeles, Calif., motor carrier; General Ins. Co. D 8-25-70	Feb. 18, 1963	May 6, 1963	Los Angeles, Calif.; \$25,000
Valley Moving & Storage Co., 422 W. Adams, P.O. Box 2468, Harlingen, Tex., motor carrier; Fidelity & Deposit Co. of Md. D 7-10-70	Apr. 19, 1968	May 7, 1968	Laredo, Tex.; \$25,000
Victory Corp., 460 Washington St., New York, N.Y., motor carrier; St. Paul Fire & Marine Ins. Co. D 7-16-70	May 10, 1963	June 26, 1963	New York, N.Y.; \$25,000

See footnotes at end of table.

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/district director; amount
Westmount Moving & Warehousing Ltd., 350 Victoria Ave., Westmount, Montreal, Can., motor carrier; The Fidelity & Casualty Co. of N.Y. D 4-14-64	Mar. 9, 1957	Aug. 8, 1957	Ogdensburg, N.Y.; \$10,000
Willig Freight Lines, Inc., 123 Loomis St., San Francisco, Calif., motor carrier; Transport Indemnity Co. PB (4-16-68) D 9-18-67 ¹¹	Sept. 1, 1967	Sept. 18, 1967	San Francisco, Calif.; \$25,000

¹ Principal is Walkup's Merchants Express.

² Surety is Allied Mutual Ins. Co.

³ Surety is Hanover Ins. Co.

⁴ Surety is General Ins. Co. of America.

⁵ Surety is Aetna Ins. Co.

⁶ Principal is All Cargo Transport Inc.

⁷ Surety is Transamerica Ins. Co.

⁸ Surety is Fidelity & Deposit Co. of Md.

⁹ Surety is New Hampshire Ins. Co.

¹⁰ Surety is Royal Indemnity Co.

¹¹ Principal is Oregon-Nevada-California Fast Freight, Inc.

¹² Surety is Fidelity & Deposit Co. of Md.

¹³ Surety is Peerless Ins. Co.

¹⁴ Surety is New Hampshire Ins. Co.

¹⁵ Surety is Peerless Ins. Co.

(241.2)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(T.D. 70-200)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., September 15, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period September 8 through September 11, 1970,
rate of \$0.248739.

Denmark krone:

September 8, 1970-----	\$0.133312
September 9, 1970-----	.133321
September 10, 1970-----	.133300
September 11, 1970-----	.133291

Hong Kong dollar:

For the period August 24 through August 28, 1970, Official rate of \$0.163750 and the following Free rates:

August 24, 1970	-----	\$0.163968
August 25, 1970	-----	.163800
August 26, 1970	-----	.163599
August 27, 1970	-----	.163632
August 28, 1970	-----	.163733

Iran rial:

For the period August 31 through September 4, 1970, rate of \$0.0130333.

Philippine peso:

For the period August 31 through September 4, 1970, Official rate of \$0.256410 * and Free rate of \$0.158333 *.

Thailand baht (tical):

For the period August 31 through September 4, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rates.

(T.D. 70-201)

Services of Customs employees—Customs Regulations amended

Section 24.16, Customs Regulations, concerning the application and bond for overtime services, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURES

Public Law 91-258, approved May 21, 1970, provides that \$25 is the maximum amount payable by the owner, operator, or agent of any private aircraft or private vessel for overtime services performed

on or after July 1, 1970, by Customs personnel on a Sunday or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrival in or departure from the United States. In view of this limitation and in order to facilitate the examination and clearance of private aircraft and private vessels, it has been determined that the bond given on Customs Form 7597 to secure reimbursement for overtime services furnished in connection with such aircraft and vessels should be accepted without surety or cash deposit in lieu of surety.

To give effect to this determination, section 24.16(c)(1) of the Customs Regulations is amended by the addition of the following sentence at the end thereof:

A bond given on Customs Form 7597 to secure the payment of overtime services rendered private aircraft and private vessels shall be taken without surety or cash deposit in lieu of surety, and the bond shall be modified to so indicate.

(Sec. 5, 36 Stat. 901, as amended, sec. 452, 46 Stat. 715, secs. 623, 624, 46 Stat. 759, as amended, 19 U.S.C. 267, 1452, 1623, 1624.)

The purpose of this amendment is to simplify Customs procedures in connection with the arrival and departure of certain private aircraft and vessels. It is, therefore, found that notice of proposed rulemaking and public procedure under 5 U.S.C. 553 is unnecessary and, since the amendment will relieve restrictions, it shall be effective upon publication in the Federal Register.

(BON-1-DB)

EDWIN F. RAINS,

Acting Commissioner of Customs.

Approved September 14, 1970:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register September 25, 1970 (35 F.R. 14926)]

(T.D. 70-202)

Suspension of duties—Dyeing and tanning materials

Public Law 91-388, "To extend for three years the period during which certain dyeing and tanning materials may be imported free of duty"

TREASURY DEPARTMENT,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., September 21, 1970.

Sections 1 and 2 of Public Law 91-388, approved August 24, 1970, entitled, "An Act to extend for three years the period during which

certain dyeing and tanning materials may be imported free of duty," is set forth below.

The Act extends the temporary suspension of duties provided for in item 907.80, Appendix to the Tariff Schedules of the United States, to entries made on or before September 30, 1972, and further provides for the reliquidation of merchandise entered after October 1, 1969.

(011)

ROBERT V. MCINTYRE

Assistant Commissioner of Customs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That item 907.80 of the appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "9/30/69" and inserting in lieu thereof "9/30/72".

SEC. 2. (a) The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act.

(b) Upon request therefor filed with the customs officer concerned on or before the one hundred and twentieth day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after October 1, 1969, and on or before the date of the enactment of this Act, and

(2) with respect to which there would be no duty if the amendment made by the first section of this Act applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the day after the date of the enactment of this Act.

Approved August 24, 1970.

(T.D. 70-203)

Cotton textiles—Restrictions on entry

Restrictions on cotton textiles and cotton textile products, in categories 5 and 39, manufactured or produced in Hungary

TREASURY DEPARTMENT,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., September 22, 1970.

There is published below the directive of August 31, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restrictions on entry into the

United States of cotton textiles and cotton textile products in categories 5 and 39, manufactured or produced in Hungary. This directive cancels and supersedes that Committee's directives of March 24, 1970, and March 26, 1970 (T.Ds. 70-92 and 70-97, respectively).

This directive was published in the Federal Register on September 5, 1970 (35 F.R. 14173), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE,
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

August 31, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

This directive cancels and supersedes the directive issued to you on March 24, 1970, by the Chairman, President's Cabinet Textile Advisory Committee, regarding imports of cotton textiles in Category 26 (other than duck)¹ produced or manufactured in the Hungarian People's Republic and the directive issued to you on March 26, 1970, by the Chairman, President's Cabinet Textile Advisory Committee regarding imports of cotton textiles in Category 19 produced or manufactured in the Hungarian People's Republic.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of August 13, 1970, between the Governments of the United States and the Hungarian People's Republic, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning August 1, 1970 and extending through July 31, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 5 and 39 produced or manufactured in the Hungarian People's Republic, in excess of the following levels of restraint:

¹ The T.S.U.S.A. Nos. for duck fabric not covered by that directive are:

320.—01 through 04, 06, 08

321.—01 through 04, 06, 08

322.—01 through 04, 06, 08

326.—01 through 04, 06, 08

327.—01 through 04, 06, 08

328.—01 through 04, 06, 08

<i>Category</i>	<i>Twelve-Month Levels of Restraint²</i>
5	1,100,000 square yards
39	57,000 dozen pair

Cotton textiles in Categories 5 and 39 produced or manufactured in the Hungarian People's Republic and which have been exported prior to August 1, 1970, shall not be subject to this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of August 13, 1970 between the Governments of the United States and the Hungarian People's Republic which provide, in part, that within the aggregate limit, the limitations on Categories 5 and 39 may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Hungarian People's Republic and with respect to imports of cotton textiles and cotton textile products from the Hungarian People's Republic have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

² These levels have not been adjusted to reflect any entries made on or after August 1, 1970.

(T.D. 70-204)

Special tonnage tax and light money—Tunisia—Customs Regulations amended

Foreign discriminating duties of tonnage and impost with respect to vessels of and certain imports from Tunisia suspended and discontinued; section 4.22, Customs Regulations, amended

TREASURY DEPARTMENT,
Washington, D.C., September 11, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

The Department of State advised the Department of the Treasury on August 14, 1970, that the Department of State has obtained from the Government of Tunisia satisfactory evidence that since July 20, 1970, no discriminating duties of tonnage or imposts have been imposed or levied in ports of Tunisia upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Tunisia in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects vessels of the Government of Tunisia, and the produce, manufactures, or merchandise imported into the United States in such vessels from Tunisia or from any other foreign country. This suspension and discontinuance shall take effect from July 20, 1970, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, section 4.22, Customs Regulations, is amended by the insertion of "Tunisia" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable

to vessels of the United States and from the payment of light money.

(80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141.)

(214.1)

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register September 29, 1970 (35 F.R. 15068)]

(T.D. 70-205)

Coastwise transportation—Customs Regulations amended

Sections 4.93(b)(1) and 4.93(b)(2), Customs Regulations, amended to add Colombia to the list of countries whose registered vessels are permitted to transport certain articles coastwise

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Colombia extends to vessels of the United States, in ports of Colombia, privileges reciprocal to those provided in section 4.93 of the Customs Regulations. Therefore, vessels of the Government of Colombia are permitted to transport coastwise empty cargo vans, empty lift vans, empty shipping tanks; equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel; empty instruments of international traffic exempted from application of the customs laws by the Secretary of the Treasury pursuant to the provisions of section 322(a), Tariff Act of 1930 (19 U.S.C. 1322(a)); and stevedoring equipment and material under the conditions specified in the applicable proviso to section 27, Merchant Marine Act, 1920, as amended (46 U.S.C. 883).

Accordingly, paragraph (b) (1) of section 4.93, Customs Regulations, is amended by the insertion of "Colombia" in appropriate alphabetical order in the list of countries under that paragraph. Paragraph (b) (2) of section 4.93, Customs Regulations, is also amended by the insertion of "Colombia" in appropriate alphabetical order in the list of countries under that paragraph.

(80 Stat. 379, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883).

Effective date: This amendment shall become effective on the date of its publication in the Federal Register.

(216.131)

EDWIN F. RAINS,

Acting Commissioner of Customs.

Approved September 11, 1970:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register September 29, 1970 (35 F.R. 15068)]

(T.D. 70-206)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., September 23, 1970.

The Federal Reserve Bank of New York, pursuant to section 522 (c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

September 14, 1970_____	\$0. 249364
September 15, 1970_____	. 248739
September 16, 1970_____	. 248739
September 17, 1970_____	. 248739
September 18, 1970_____	. 248739

Denmark krone:

September 14, 1970	-----	\$0. 133300
September 15, 1970	-----	. 133309
September 16, 1970	-----	. 133325
September 17, 1970	-----	. 133300
September 18, 1970	-----	. 133306

Hong Kong dollar:

For the period August 31 through September 4, 1970, Official rate of \$0.163750 and the following Free rates:

August 31, 1970	-----	No Rate
September 1, 1970	-----	\$0. 163733
September 2, 1970	-----	. 163666
September 3, 1970	-----	. 163733
September 4, 1970	-----	. 163666

Iran rial:

For the period September 8 through September 11, 1970, rate of \$0.0130333.

Philippine peso:

For the period September 8 through September 11, 1970, Official rate of \$0.256410* and the following Free rates:

September 7, 1970	-----	Holiday
September 8, 1970	-----	\$0. 158333*
September 9, 1970	-----	. 158333*
September 10, 1970	-----	. 157833*
September 11, 1970	-----	. 157000*

Thailand baht (tical):

For the period September 8 through September 11, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rates.

(T.D. 70-207)

Change of practice ruling

Tariff classification—"Monterey" cheese

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

Pursuant to section 16.10a(d), Customs Regulations (19 CFR 16.10a(d)), the Bureau gave notice in the Federal Register on September 11, 1970 (35 F.R. 14329), that it was reviewing the existing established and uniform practice of classifying "Monterey" cheese from New Zealand under the provision for other cheese and substitutes for cheese in item 117.85, Tariff Schedules of the United States (TSUS), with duty at 14 percent ad valorem and subject to the quota limitations for other cheese in item 950.10D, TSUS.

The Bureau has reviewed this practice thoroughly, including the comments submitted in response to the above notice, and concluded that cheese imported from New Zealand labeled "Monterey" but which does not meet the requirements of the Food and Drug Administration for Monterey cheese but which does meet the requirements for, and must be labeled as, Cheddar cheese is classifiable under the provision for Cheddar cheese in item 117.15, TSUS, with duty at 15 percent ad valorem and subject to the quota limitations for such cheese in item 950.08A, TSUS.

Since this ruling results in a higher duty on the merchandise than has heretofore been charged, it shall, pursuant to section 16.10a(d), Customs Regulations (19 CFR 16.10a(d)), be applicable only to merchandise entered, or withdrawn from warehouse, for consumption on and after the 91st day following publication of this ruling in the weekly Customs Bulletin.

(452.53)

EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved September 29, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register October 3, 1970 (35 F.R. 15450)]

(T.D. 70-208)

White or Irish potatoes, other than certified seed—Tariff-rate quota

Tariff-rate quota for the quota year beginning September 15, 1970, for white or Irish potatoes other than certified seed

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., September 23, 1970.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to item 137.25, Tariff Schedules of the United States, for the 12-month period beginning September 15, 1970, is 45,000,000 pounds.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1970, made by the United States Department of Agriculture as of September 1, 1970, was 31,375,100,000 pounds.

In accordance with headnote 2, part 8A, of schedule 1, Tariff Schedules of the United States, the quantity is not increased because the estimated production is greater than 21,000,000,000 pounds.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

[Published in the Federal Register September 30, 1970 (35 F.R. 15246)]

(T.D. 70-209)

Schedule of hearings of the United States Customs Court

Schedule of hearings of cases by the United States Customs Court at ports other than the port of New York for the calendar year 1971

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., September 25, 1970.

The appended schedule of hearings of cases by the United States Customs Court at ports other than the port of New York, for the

Port	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Laredo, Tex.	28											
Longview, Wash.	12											
Los Angeles, Calif.		2			4			10			9	
Memphis, Tenn.			25									
Miami, Fla.			2									
Milwaukee, Minn.						15						
Minneapolis, Minn.						22						
Mobile, Ala.			19									
New Orleans, La.			16							14		
Newport, Vt.							13					
Norfolk, Va.		23										
Ogdensburg, N.Y.							13					
Pembina, N.D.						29						
Philadelphia, Pa.			30			2						1
Pittsburgh, Pa.										5		
Portland, Maine.										21		
Portland, Oreg.	14							17				
Providence, R.I.										19		
Port Arthur, Tex.									14			
Port Everglades, Fla.			8									
Rochester, N.Y.					20							
Rouses Point, N.Y.							20					
Savannah, Ga.			6									
Seattle, Wash.	7			6				12				
Syracuse, N.Y.					25							
Sumas, Wash.								10				
San Antonio, Tex.	25											
San Diego, Calif.	21										4	
San Francisco, Calif.		9			11			17			16	
San Juan, P.R.		16										9
St. Albans, Vt.							8					
St. Louis, Mo.						10						
St. Paul, Minn.						17						
St. Thomas, V.I.		23										
Tacoma, Wash.	5											
Tampa, Fla.										19		
Toledo, Ohio.											9	
Washington, D.C.				6								7
West Palm Beach, Fla.			10									
Wilmington, N.C.		25										

(T.D. 70-210)

Instruments of international traffic

Certain metal containers designed to be lifted onto and carried by specially designed trucks used to hold scrap metal designated as instruments of international traffic

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., September 28, 1970.

It has been established to the satisfaction of the Bureau of Customs that large irregularly shaped metal containers, specially designed to be lifted onto and carried by specially designed trucks operated by

the *C & L Scrap Iron and Metal Co.* of Montreal, Quebec, and used for the transportation of scrap metal from the United States to Canada are substantial, designed for and capable of repeated use in transportation, and used in substantial numbers in international traffic.

Under the authority of section 10.41a(a), Customs Regulations, I hereby designate the above-described containers as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These containers may be released under the procedures provided for in section 10.41a.

(542.112)

EDWIN F. RAINS,
Acting Commissioner of Customs.

[Published in the Federal Register October 3, 1970 (35 F.R. 15450)]

(T.D. 70-211)

*Special tonnage tax and light money—Jamaica—Customs
Regulations amended*

Foreign discriminating duties of tonnage and impost with respect to vessels of certain imports from Jamaica suspended and discontinued; section 4.22, Customs Regulations, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., September 24, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

The Department of State advised the Department of the Treasury on August 21, 1970, that the Department of State has obtained from the Government of Jamaica satisfactory evidence that no discriminating duties of tonnage or imposts have been imposed or levied in ports of Jamaica upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Jamaica in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended

by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects vessels of the Government of Jamaica, and the produce, manufactures, or merchandise imported into the United States in such vessels from Jamaica or from any other foreign country. This suspension and discontinuance shall take effect from August 21, 1970, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, section 4.22, Customs Regulations, is amended by the insertion of "Jamaica" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141).

(214.1)

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register October 6, 1970 (35 F.R. 15636)]

(T.D. 70-212)

Bonds

Approval of consolidated aircraft bond (air carrier blanket bond), Customs Form 7805

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., September 29, 1970.

The following consolidated aircraft bond has been approved as follows:

Name of principal and surety	Date of bond	Date of approval	Filed with regional commissioner of customs; amount
Pakistan Int'l Airlines Corp., (Foreign Corp. of Pakistan), 545 Fifth Ave., New York, N.Y.: St. Paul Fire & Marine Ins. Co.	Aug. 31, 1970	Sept. 3, 1970	New York, N.Y.; \$100,000

The foregoing principal has not been designated as a carrier of bonded merchandise.

(231.1)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(T.D. 70-213)

Vessel clearance—Customs Regulations amended

Section 4.61(b), Customs Regulations, relating to vessel clearances, amended,
new section 4.66a, added

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Pursuant to the provisions of section 11(b) (5), Public Law 91-224 (33 U.S.C. 1161), relating to the pollution of the navigable waters of the United States, any owner or operator of any vessel from which oil is knowingly discharged into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in quantities determined to be harmful by appropriate authorities incurs a civil penalty of not more than \$10,000 for each offense. At the request of an appropriate officer of the United States Coast Guard, clearance provided by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), shall be withheld for any vessel the owner or operator of which is subject to the foregoing penalty. To provide for such action, the Customs Regulations are amended as follows:

Section 4.61(b) is amended by adding new subparagraph (22) to read:

(22) Illegal discharge of oil (Sec. 4.66a).

Part 4 is amended to add a new section 4.66a reading as follows:

4.66a *Illegal discharge of oil.*—If a district director of customs receives a request from an officer of the United States Coast Guard to withhold clearance of a vessel whose owner or operator is subject to a civil penalty for knowingly discharging oil into or upon

the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in quantities determined to be harmful by appropriate authorities, such clearance shall not be granted until the request is withdrawn or until the district director is informed that a bond or other surety satisfactory to the Coast Guard has been filed. (Sec. 11(b) (5), 84 Stat. 92, R.S. 4197, as amended; 33 U.S.C. 1161, 46 U.S.C. 91).

(80 Stat. 379, R.S. 251; 5 U.S.C. 301; 19 U.S.C. 66).
(216.131)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved September 28, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register October 6, 1970 (35 F.R. 15637)]

(T.D. 70-214)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., September 24, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.
(133.121)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

INSTRUMENTS OF INTERNATIONAL TRAFFIC

T.D. 70-214(1) *Communications satellites, components, and spare parts.*—Communications satellites, their components, and spare parts, brought into the United States to be launched for use in a global communications satellite system are designated as "instruments of international traffic" within the meaning of 19 U.S.C. 1322(a) and may be released under the provisions of section 10.41a, Customs Regulations. Components and parts requiring storage may be placed in storage under special bond and withdrawn therefrom solely for use in the assembly of a communications satellite without the payment of duty and without limitation of the storage period to the usual 3-year warehousing period. Bureau letter dated August 7, 1970. (515.122)

MARKING

T.D. 70-214(2) *Baseballs.*—Baseballs imported into the United States in individual cardboard boxes, or repackaged in the United States in such boxes under the provisions of section 11.10(a), Customs Regulations, are required to be individually marked to indicate the country of their origin. An exception from marking under 19 U.S.C. 1304(a) (3) (D) if the boxes are marked to indicate the origin of the baseballs is not justified. Bureau letter dated July 21, 1970. (363.2)

T.D. 70-214(3) *Pens and pen sets.*—Marking of the English name of the country of origin required by section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304), on the end surface of the barrel or cap of imported pens is considered unacceptable as failing to be legible and conspicuous. Country of origin marking preferably should appear in contrasting color to the surface of the barrel to which applied in letter size sufficiently large to be readily observed from a casual examination, such as of sizes similar to lettering in use for the brand, trade name, or trademark. If blindstamp marking is used (molded or stamped into the original background color), the letters should be of such size and depth as to be clearly observed, generally not smaller than $\frac{3}{16}$ -inch in dimension. Each pen packaged in sets of two or more must be individually marked since there is no assurance that the sets will not be broken upon the sale of the pens individually. When pens bear an address in the United States, the country of origin marking shall appear in close proximity, preceded by the words "Made in" or "Product of." Bureau letter dated July 14, 1970. (363.2)

TARIFF CLASSIFICATION

T.D. 70-214(4) *Acid anhydrides.*—Tetrahydrophthalic anhydride, hexahydrophthalic anhydride, and succinic anhydride made from a butylene fraction of petroleum, without the use of any benzenoid components and without benzenoid intermediates arising in the process, are classifiable under the provision for other acid anhydrides in *item 426.04*, TSUS. Bureau letter dated September 2, 1970. (417.51)

T.D. 70-214(5) *Articles, nspf, of plastics. Storage plates.*—Plastic double plates used for the storage of electron microscopy grids, which consist of two flat pieces of transparent plastic held together by metal clips, are classifiable under the provision for articles, nspf, of plastics, in *item 774.60*, TSUS. Bureau letter dated August 24, 1970. (490)

T.D. 70-214(6) *Articles of felt. Other textile articles, nspf. Military chevrons or stripes.*—Chevrons or stripes for uniforms of the United States armed forces, of wool felt, classifiable under the provision for articles of wool felt, in *item 355.15 or 355.16*, TSUS, accord-

ing to value. Chevrons or stripes of man-made fibers embroidered on a cotton backing are classifiable under the provision for other textile articles nspf, not ornamented, in *item 386.50 or 389.60*, TSUS, according to component material in chief value. Bureau letter dated September 1, 1970. (427.712)

T.D. 70-214(7) *Benzenoid drugs.*—Sodium para-aminosalicylate is classifiable under the provision for other benzenoid drugs in *item 407.85*, TSUS. Bureau letter dated August 25, 1970. (417.312)

T.D. 70-214(8) *Containers, of plastic, chiefly used for packing, transporting, or marketing of merchandise. Plastic shelf arranger.*—A plastic tray with twelve 1-inch square by ½-inch deep indentations which hold small cardboard boxes of merchandise vertically during shipment and is subsequently used for display of the products, classifiable under the provision for containers, of plastic, chiefly used for packing, transporting, or marketing of merchandise, in *item 770.20*, TSUS. Bureau letter dated August 18, 1970. (418.44)

T.D. 70-214(9) *Electrical apparatus for making connections to or in electrical circuits. Circuit boards.*—Circuit boards, with components, used with amplifiers in community antenna television systems known as CATV, classifiable under the provision for electrical apparatus for making connections to or in electrical circuits in *item 685.90*, TSUS. Bureau letter dated September 1, 1970. (431.24)

T.D. 70-214(10) *Electrical articles, and electrical parts of articles, nspf. Bracket lamps.*—Bracket lamps, also known as pilot lamps or panel lamps, used as indicating lights, classifiable under the provision for electrical articles, and electrical parts of articles, nspf, in *item 688.40*, TSUS, rather than under the provision for visual signalling apparatus, and parts thereof, in *item 685.70*, TSUS. Bureau letter dated August 26, 1970. (431)

T.D. 70-214(11) *Electrical measuring, checking, or analyzing instruments. Line fault locator, portable.*—Portable line fault locator primarily used for detecting mismatches on 600 ohm open wire lines, which locates mismatches in a range up to 300 miles by adjustment of a digital control unit until the brightness modulation of the beam is centered on the reflection on a screen, classifiable under the provision for electrical measuring, checking, or analyzing instruments in *item 712.49*, TSUS. Bureau letter dated August 24, 1970. (431)

T.D. 70-214(12) *Footwear, of rubber or plastics. Lady's sandal, not ornamented.*—Lady's heeled sandal, having an upper consisting of a backstrap riveted to one of two straps located across the instep, the plastic cross straps being substantially covered by a soft, hammered metal strip permanently affixed by rivets, the metal covering

approximately 70 percent of each strap, classifiable under the provisions for footwear having uppers of which 90 percent of the exterior surface is rubber or plastics, in *item 700.55*, TSUS, as the metal ornamentation is not considered part of the upper. C.A.D. 970, noted. Bureau letter dated August 24, 1970. (455.44)

T.D. 70-214(13) *Household articles, nspf, of metal. Angel figure, decorative.*—A highly decorative figure of an angel holding a candle mounted on a revolving musical base and measuring approximately 11 inches in height, including the base, classifiable under the provision for other household articles, nspf, of iron or steel in *item 653.95*, TSUS, and not under the provision for music boxes in *item 725.50*, TSUS, as the predominant feature of the article is the decorative angel figure. C.D. 2688, noted; T.D. 69-110(17), distinguished. Bureau letter dated September 1, 1970. (491.6)

T.D. 70-214(14) *Laminated textile fabrics, nspf. Cable insulation.*—Textile fabric consisting of nonwoven polyester fabric laminated with polypropylene synthetic resin and used for electric cable insulation, classifiable under the provision for textile fabrics, including laminated fabrics, nspf, in *item 359.50*, TSUS. Bureau letter dated August 13, 1970. (418.44)

T.D. 70-214(15) *Metal products. Articles of gold, copper, and nickel. Grids.*—Metal grids used to display specimens for electron microscope examination, classifiable under the provision for metal products, nspf, according to component metal; if made of gold, classifiable under the provision for articles of gold, in *item 656.10*, TSUS; if made of copper, classifiable under the provision for articles of copper, other than copper alloys, not coated or plated with precious metal, in *item 657.30*, TSUS; if made of nickel, classifiable under the provision for articles of nickel, not coated or plated with precious metal, in *item 657.50*, TSUS. Bureau letter dated August 24, 1970. (534.2)

T.D. 70-214(16) *Mineral substances. Fluxing material.*—A mixture of fluorspar and lime which, subsequent to importation, is pressed into briquettes and used in steel making, classifiable under the provision for mineral substances, and articles of mineral substances, nspf, not decorated, in *item 523.91*, TSUS. Bureau letter dated August 13, 1970. (445)

T.D. 70-214(17) *Nail nipper. Soft tissue nipper.*—Soft tissue nipper with ronguer handle is of a class or kind of instrument chiefly used by persons other than medical practitioners; therefore, it is classifiable under the provision for nail nippers in *item 649.91*, TSUS, and not as other dental instruments in *item 709.25*, TSUS. Bureau letter dated August 13, 1970. (426.851)

T.D. 70-214(18) *Pile fabric, ornamented.*—Pile fabric, in chief value of man-made fabric, ornamented with straight stitching which gives the appearance of quilted stitching, and which serves no functional purpose, classifiable under the provision for ornamented fabrics, in the piece, in *item 353.50*, TSUS, and not under the provision for pile fabrics, of man-made fibers, in *item 346.60*, TSUS, by reason of *Headnote 1, Part 4A, Schedule 3*, TSUS. Bureau letter dated August 27, 1970. (474.7)

T.D. 70-214(19) *Portable electric lamps with self-contained electrical source. Lanterns.*—Plastic lantern consisting of a rectangular shaped housing with a beam reflector head and a handle moulded onto the housing, designed to accommodate two dry-cell batteries, classifiable under the provision for other portable electric lamps with self-contained electrical source, in *item 683.80*, TSUS. Bureau letter dated September 2, 1970. (431.1)

T.D. 70-214(20) *Toys, nspf. Music box-doll combination.*—An ornately dressed doll affixed to an armchair which has contained within itself a spring-wound music movement which, when in operation, has the upper portion of the chair and doll rotate accompanied by music from the music movement, classifiable under the provision for toys having a spring mechanism in *item 737.30*, TSUS, and not under the provision for music boxes in *item 725.50*, TSUS. This article considered to be more than a doll, a music box, or a toy figure of an animate object in view of the armchair which constitutes a substantial portion of the article. Bureau letter dated September 1, 1970. (491.62)

T.D. 70-214(21) *Wearing apparel, unornamented. Snowmobile suits.*—Man's snowmobile suit having small metal rings attached by textile fabric tabs of the same color and material as the exposed surface of the suit, used for the functional purpose of attaching goggles and gloves, classifiable under the provision for men's or boys' wearing apparel, not ornamented, of man-made fibers, in *item 380.84*, TSUS, and not under the provision for men's or boys' wearing apparel, ornamented, in *item 380.04*, TSUS, as the small metal rings serve the functional purpose of holding gloves and goggles and are not considered ornaments within the commercial sense of the term. T.D. 70-72(16), noted and distinguished. Bureau letter dated August 19, 1970. (474.5)

T.D. 70-214(22) *Wearing apparel, unornamented. Textile inserts.*—Infant's jacket of man-made fibers, having contrasting-colored textile strips inserted as a part of the front of the garment which did not pre-exist as an overlay, classifiable under the provision for infants' wearing apparel, not ornamented, of man-made fibers, in *item 382.81*, TSUS. Bureau letter dated July 15, 1970. (474.5)

T.D. 70-214(23) *Wood. Classification principles. Words and phrases: "edge-glued," "end-glued," and/or "face-glued."*—Item 202.53, TSUS, includes "edge-glued," and/or "face-glued" merchandise within its provisions (*C. B. Smith Co. v. United States* (1970), C.D. 3991). Hardwood lumber, however, made up of edge-glued, end-glued, and/or face-glued stock, dressed on two sides, and cut to 1 $\frac{3}{8}$ inches by 1 $\frac{1}{2}$ inches by 80 inches to 96 inches in length for use as door stiles is not classifiable under item 202.53, TSUS, because such lumber is over 6 feet in length and under 15 inches in width. *Schedule 2, Part 1, Subpart B, Headnote 2(a)*, TSUS, providing that edge-glued or end-glued wood over 6 feet in length and not over 15 inches in width shall be classified as lumber if such piece as a solid piece without glue joints would be deemed to be lumber, by reason of the holding in the *C. B. Smith Co.* case is considered to embrace "face-glued" wood. Accordingly, the glued-up stock as described is classifiable under the provision for hardwood lumber, dressed or worked in item 202.42, TSUS. Bureau letter dated September 1, 1970. (481.21)

VESSEL SUPPLIES AND EQUIPMENT

T.D. 70-214(24) *Dutiability of equipment for installation on a vessel in the United States.*—Equipment purchased abroad for a vessel documented to engage in the foreign or coasting trade, or intended to engage in such trade, is dutiable under section 257, title 19, United States Code, on the first arrival of such vessel in the United States. However, equipment imported into the United States for installation on a vessel other than the importing vessel is not dutiable under section 257 but is dutiable under the Tariff Schedules of the United States as other merchandise imported into the United States. Bureau letter dated June 11, 1970. (212.6)

(T.D. 70-215)

Designation of the Assistant Director, Facilities Services and The Chief, Purchases and Property Unit, Facilities Services as contracting officers for certain types of contracts

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 1, 1970.

By virtue of the authority vested in me by Customs Delegation Order No. 36 (T.D. 70-168, 35 F.R. 12079) and subject to the requirements and limitations of such Order, I hereby designate the Assistant Director, Facilities Services Section, Office of Administration, and the Chief, Purchases and Property Unit, Facilities Services Section, Office of Administration, as contracting officers with authority to enter

into and administer contracts for the procurement of personal property and nonpersonal services (not including construction).

The designation of the Assistant Director (Procurement), Facilities Management Division, Office of Administration, as contracting officer made by me on November 6, 1968 (T.D. 68-281, 33 F.R. 16605) is hereby superseded.

Any action heretofore taken by the Assistant Director, Facilities Services Section, Office of Administration, which involved the exercise of authority hereby granted is affirmed and ratified.

(187.7)

KENNETH KNIGHT,
*Director, Facilities Management
Division, Office of Administration.*

[Published in the Federal Register October 8, 1970 (35 F.R. 15849)]

(T.D. 70-216)

*Finished organic chemical products which are mixtures containing
benzenoid components*

Approval of the practice of classification of finished organic products which are mixtures not specially provided for in Subpart C under the provision for mixtures in whole or in part of any of the products provided for in Subpart C, Part 1, Schedule 4, item 409.00 Tariff Schedules of the United States (TSUS)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 2, 1970.

In *International Paint Co. (California), Inc., W. C. Auger & Co. v. United States*, C.D. 3977, the court decided that an anti-fouling paste concentrate containing phenarzine chloride was classifiable as a mixture in whole or in part of any of the products provided for in Subpart B, Part 1, Schedule 4, item 403.90, TSUS, rather than item 409.00, TSUS, which applies to mixtures in whole or in part of any of the products listed in Subpart C. In its discussion, the court noted that the Government had not established that phenarzine chloride was chiefly used as a pesticide, and, therefore, classifiable in Subpart C as a pesticide.

The Bureau is of the opinion that this decision should in no way affect the classification under item 409.00, TSUS, of mixtures which in themselves may not be benzenoid pesticides but contain in part a benzenoid pesticide.

(414.4)

EDWIN F. RAINS,
Acting Commissioner of Customs.

(T.D. 70-217)

Coastwise transportation—Customs Regulations amended

Section 4.93(b)(2). Customs Regulations, amended to add Israel to the list of countries whose registered vessels are permitted to transport certain articles coastwise

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Israel extends to vessels of the United States, in ports of Israel, privileges reciprocal to those provided in section 4.93(a)(1), Customs Regulations, with respect to equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel; empty instruments of international traffic exempted from application of the customs laws by the Secretary of the Treasury pursuant to the provisions of section 322(a), Tariff Act of 1930 (19 U.S.C. 1322(a)) and stevedoring equipment and material provided in section 4.93(a)(2), Customs Regulations, under the conditions specified in the applicable proviso to section 27, Merchant Marine Act, 1920, as amended (46 U.S.C. 883).

Accordingly, paragraph (b)(2) of section 4.93, Customs Regulations, is amended by the insertion of "Israel" in appropriate alphabetical order in the list of countries under that paragraph.

(80 Stat. 379, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883).

Effective date: This amendment shall become effective on the date of its publication in the Federal Register.

(216.131)

EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved September 29, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register October 9, 1970 (35 F.R. 15910)]

(T.D. 70-218)

Liquidated damages—Customs Regulations amended

Section 8.59(j), Customs Regulations, relating to the cancellation of claims for liquidated damages, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Section 8.59(j) provides for the cancellation under certain conditions of liquidated damages assessed for failure to file a timely entry for merchandise (other than quota merchandise) released under a special permit. Upon application of the importer, the district director is presently authorized to cancel such liquidated damages upon payment of an appropriate sum which shall not exceed 10 percent of the duty assessed.

A sum which shall not exceed 10 percent of the duty assessed does not constitute a sufficient deterrent to prevent delays in the filing of entries in many cases, and there are cases in which greater relief is warranted.

Accordingly, section 8.59(j) is amended to read as follows:

(j) When liquidated damages have been assessed for failure to file a timely entry for merchandise not subject to a quota which has been released under a special permit and the importer files an application for relief, the district director may act upon such application as follows:

(1) If he is satisfied that the delay was not deliberate, cancel such liquidated damages upon the payment of an appropriate sum which shall not exceed 10 percent of the duty assessed but not less than \$25. In determining the appropriate amount the district director shall take into consideration the circumstances causing the delay, the extent of the lateness, and the amount of duty involved, and the importer's past record with respect to the timeliness of filing entries. In general, the district director shall not cancel a claim for liquidated damages upon payment of an amount in the lower range of his discretion, if the entry is late by more than three working days.

(2) If he is satisfied that the violation was incurred solely because of a delay in the return by Customs to the importer of documents necessary to make entry, he may cancel such liquidated damages without payment.

(3) If collection of an amount greater than that provided by this paragraph appears warranted, the case shall be forwarded to the Bureau for disposition. The district director may refuse the privilege of immediate delivery under paragraph (a) of this section to any person who repeatedly files entries untimely.

(Secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 1623, 1624)

The amendment to section 8.59(j) shall be effective as to claims for liquidated damages arising 30 days after the date of publication of this decision in the Federal Register.

(327.6)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved October 1, 1970:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register October 9, 1970 (35 F.R. 15911)]

(T.D. 70-219)

Antidumping—Customs Regulations amended

Section 153.34, relating to withholding of appraisement, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 153—ANTIDUMPING

It has been decided to provide that withholding of appraisement notices in dumping cases as now issued by the Commissioner of Customs under section 153.34, Customs Regulations, will in the future be prepared for the approval of the Secretary of the Treasury in addition to signature by the Commissioner. To accomplish this, the phrase "with the approval of the Secretary" is added, in the appropriate places, to paragraphs (a) and (b) of section 153.34.

Section 153.34 accordingly is amended as follows:

That portion of paragraph (a) which precedes subparagraphs (1) and (2) thereof is amended to read:

153.34 Withholding of appraisement.—(a) *Three-month period.* If the Commissioner determines during the course of his investigations that there are reasonable grounds to believe or suspect that any merchandise is being, or is likely to be, sold at less than its foreign market value (or, in the absence of such value, then its constructed value) under the Antidumping Act,

and if there is evidence on record concerning injury or likelihood of injury to or prevention of establishment of an industry of the United States, he shall, with the approval of the Secretary, publish notice of these facts in the Federal Register in a "Withholding of Appraisalment Notice," indicating:

Paragraph (b) is amended to read:

(b) *Six-month period.* At any time prior to the issuance of the withholding of appraisalment notice referred to in paragraph (a) of this section, importers and exporters concerned may request that the period of withholding of appraisalment extend for a period longer than 3 months, but in no case longer than 6 months. Upon receipt of such a request from importers and exporters concerned the Commissioner will decide whether appraisalment should be withheld for a period longer than 3 months. If the Commissioner decides that a period of withholding of appraisalment longer than 3 months is justified, he will, with the approval of the Secretary, publish a withholding of appraisalment notice upon the same basis and containing information of the same type as is required by paragraph (a) of this section, except that the expiration date of the notice may be 6 months from the date of publication of the notice in the Federal Register.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

Effective Date: This amendment shall become effective on the date of its publication in the Federal Register.

(643.3)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved October 1, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register October 9, 1970 (35 F.R. 15911)]

(T.D. 70-220)

Foreign currencies—Quarterly list of rates of exchange

Lists of rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for use during the quarter beginning October 1, 1970, through December 31, 1970

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 5, 1970.

The appended table lists the rates of exchange of certain foreign currencies first certified to the Secretary of the Treasury by the

Federal Reserve Bank of New York under the provisions of section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), for a day in the quarter beginning October 1, 1970. The rates are published for the information and use of Customs officers and others concerned pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

List of values of foreign currencies certified to the Secretary of the Treasury by the Federal Reserve Bank of New York under provisions of section 522(c), Tariff Act of 1930, as amended

QUARTER BEGINNING OCTOBER 1 THROUGH DECEMBER 31, 1970

Country	Name of Currency	Dollars
Australia.....	Dollar.....	1. 109091
Austria.....	Schilling.....	. 0386778
Belgium.....	Franc.....	. 0201425
Canada.....	Dollar.....	. 981700
Ceylon.....	Rupee.....	. 167700
Finland.....	Markka.....	. 237475
France.....	Franc.....	. 181058
Germany.....	Deutsche Mark.....	. 275279
India.....	Rupee.....	. 132130
Ireland.....	Pound.....	2. 386100
Italy.....	Lira.....	. 00160429
Japan.....	Yen.....	. 00279412
Malaysia.....	Dollar.....	. 323550
Mexico.....	Peso.....	. 0800560
Netherlands.....	Guilder.....	. 277825
New Zealand.....	Dollar.....	1. 110227
Norway.....	Krone.....	. 139920
Portugal.....	Escudo.....	. 0348937
Republic of South Africa.....	Rand.....	1. 386691
Spain.....	Peseta.....	. 0142880
Sweden.....	Krona.....	. 192325
Switzerland.....	Franc.....	. 231262
United Kingdom.....	Pound.....	2. 386100

(T.D. 70-221)

Cotton textiles—Restrictions on entry

Restriction on certain categories of cotton textile products manufactured or produced in Malaysia

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 7, 1970.

There is published below the directive of September 22, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the United States of cotton textile products in certain categories manufactured or produced in Malaysia. This directive cancels and supersedes the directives of the following dates:

December 9, 1969 (T.D. 70-8)
December 23, 1969 (T.D. 70-39)
December 24, 1969 (T.D. 70-39)
January 19, 1970 (T.D. 70-51)
February 28, 1970 (T.D. 70-84)
March 20, 1970 (T.D. 70-93)
April 27, 1970, amended May 20, 1970 (T.D. 70-139)
May 20, 1970 (T.D. 70-132)

This directive was published in the Federal Register on September 26, 1970 (35 F.R. 15029), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

September 22, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

This directive cancels and supersedes the directives issued to you on the following dates by the Chairman, President's Cabinet Textile

Advisory Committee, regarding imports of cotton textiles and cotton textile products in the following categories produced or manufactured in Malaysia:

<i>Date of P.C.T.A.C. Directive</i>	<i>Categories</i>
December 9, 1969	26 (other than duck) ¹
December 23, 1969	46
December 24, 1969	19, 26 (duck only) ¹ and 60
January 19, 1970	51
February 28, 1970	49, 55
March 20, 1970	50
April 27, 1970 (amended May 20, 1970)	Part of Category 64 (Only T.S.U.S.A. Nos. 366.4500, 366.4600 and 366.4700)
May 20, 1970	22

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of September 8, 1970, between the Governments of the United States and Malaysia, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning September 1, 1970, and extending through August 31, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 45, 46, 49, 50, 51, 53, 55 and 60 produced or manufactured in Malaysia, in excess of the following levels of restraint:

<i>Category</i>	<i>Twelve-Month Levels of Restraint²</i>
45	90,000 dozen
46	20,000 dozen
49	15,000 dozen
50	25,000 dozen
51	25,000 dozen
53	15,000 dozen
55	18,000 dozen
60	28,000 dozen

¹ The T.S.U.S.A. Nos. for duck fabric are:

320.—01 through 04, 06, 08 326.—01 through 04, 06, 08

321.—01 through 04, 06, 08 327.—01 through 04, 06, 08

322.—01 through 04, 06, 08 328.—01 through 04, 06, 08

² These levels have been adjusted to reflect any entries made on or after September 1, 1970.

Cotton textiles in Categories 45, 46, 49, 50, 51, 53, 55 and 60 produced or manufactured in Malaysia and which have been exported prior to September 1, 1970, shall not be subject to this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 8, 1970, between the Governments of the United States and Malaysia which provide, in part, that within the aggregate limit and group limit, the limitations on Categories 45, 46, 49, 50 51 53, 55 and 60 may be exceeded by not more than 5 percent; for the limited carry-over of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-222)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 6, 1970.

The Federal Reserve Bank of New York, pursuant to section 522 (c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period September 21 through October 2, 1970, rate of \$0.248739.

Denmark krone:

September 21, 1970.....	\$0. 133306
September 22, 1970.....	. 133304
September 23, 1970.....	. 133316
September 24, 1970.....	. 133300
September 25, 1970.....	. 133312
September 28, 1970.....	. 133300
September 29, 1970.....	. 133312
September 30, 1970.....	. 133362
October 1, 1970.....	. 133308
October 2, 1970.....	. 133300

Hong Kong dollar:

For the period September 8 through September 11, 1970,
Official rates of \$0.163750. Free rate not available.

Iran rial:

For the period September 14 through September 18, 1970,
rate of \$0.0130333.

Philippine peso:

For the period September 14 through 18, 1970, Official rate of \$0.256410* and the following Free rates:

September 14, 1970.....	\$0. 156333*
September 15, 1970.....	. 156333*
September 16, 1970.....	. 156166*
September 17, 1970.....	. 156133*
September 18, 1970.....	. 156133*

*Certified as nominal rates.

Thailand baht (tical):

For the period September 14 through September 18, 1970,
rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

(T.D. 70-223)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 8, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.

(133.121)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

TARIFF CLASSIFICATION

T.D. 70-223(1) *Articles for preparing, serving, or storing food or beverages, or food or beverage ingredients, of rubber or plastics. Trays, hors d'oeuvre.*—Hors d'oeuvre tray classifiable under the provision for serving dishes of plastics in *item 772.06, TSUS. C.D. 2961*, followed. C.D. 3880, noted. Bureau letter dated September 18, 1970. (413.5)

T.D. 70-223(2) *Articles nspf, of plastics. Swimming pool covers.*—Swimming pool covers consisting of polyethylene woven fabric coated with nontransparent polyethylene plastics, the coated surface being the outer surface of the article when placed over a swimming pool, classifiable under the provision for articles nspf, of plastics, in *item 774.60, TSUS. Headnote 5 to Schedule 3, noted.* Bureau letter dated September 17, 1970. (418.44)

T.D. 70-223(3) *Articles of iron or steel nspf. Wires of base metal, iron, or steel.*—Stainless steel wires spirally grooved with "threads," used for reconstruction or straightening of teeth and serving as structural supports, classifiable under the provision for other articles of

iron or steel, not coated or plated with precious metal, in *item 657.20*, TSUS, rather than the provision for other wire of iron or steel, alloy iron or steel, not coated or plated with metal, in *item 609.75*, TSUS. *Headnote 1, Schedule 6, Part 2*, noted. Bureau letter dated September 24, 1970. (423.3)

T.D. 70-223(4) *Electrical instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic, or similar radiations, and parts thereof.*—Integrated nuclear spectrometer designed for use as a complete nuclear channel, chiefly used in connection with a system for detecting, analyzing, and other work relating to nuclear radioactive principles, classifiable under the provision for electrical instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic, or similar radiations, and parts thereof, in *item 712.15*, TSUS. Bureau letter dated September 8, 1970. (426.846)

T.D. 70-223(5) *Electrical measuring, checking, analyzing, or automatically controlling instruments and apparatus. Data collection system.*—Data acquisition system which gathers, through several individually switched channels, analog data such as transducer outputs for temperature, pressure, acceleration, velocity, displacement, weight, and position, and measures, digitizes, and records such data for output as punch or magnetic tape, classifiable under the provisions for electrical measuring, checking, analyzing, or automatically controlling instruments and apparatus, in *item 712.49*, TSUS. Bureau letter dated September 21, 1970. (431.54)

T.D. 70-223(6) *Electrical measuring, checking, analyzing, or automatically controlling instruments and apparatus. Optics unit, part of photometer.*—Part of a photometer, known as an "Optics Unit," which produces raw data in electronic form, classifiable under the provision for electrical measuring instruments, in *item 712.49*, TSUS, rather than under the provision for photometers and parts thereof in *item 711.88*, TSUS, since it is not an optical instrument. Bureau letter dated September 14, 1970. (431)

T.D. 70-223(7) *Electrical measuring, checking, analyzing, or automatically controlling instruments and apparatus. Phasenintegrator.*—A phasenintegrator, which consists of various plug-in modules including, among others, a data input unit, a logic unit, an X-ray microanalyzer, a scanning-electron-microscope, and an optical microscope, and which is used for stereometric analysis, i.e., the quantitative characterization of three-dimensional structures by the measurement of planar surfaces, classifiable under the provision for electrical measuring, checking, or analyzing instruments in *item 712.49*, TSUS. Bureau letter dated September 21, 1970. (431)

T.D. 70-223(8) *Electrical switches, relays, and other apparatus for making or breaking electrical circuits.*—Devices for making or breaking electrical circuits which use a plunger-type core which moves within a cylinder by means of magnetic force or by use of its own weight, 2 springs, and a ball valve, or which counter movement caused by magnetic force by use of a rubber bellows, springs, and valves, classifiable under the provision for electrical switches, relays, and other apparatus for making or breaking electrical circuits, in *item 685.09*, TSUS, Bureau letter dated September 11, 1970. (426.845)

T.D. 70-223(9) *Gloves not of lace or net and not ornamented, of man-made fibers, knit.*—A knitted acrylic fiber glove with a hand crocheted cuff producing a "popcorn" effect, classifiable under the provision for gloves not of lace or net and not ornamented, of man-made fibers, knit, in *item 704.85*, TSUS, and not under the provisions for ornamented gloves. Bureau letter dated September 22, 1970. (474.712)

T.D. 70-223(10) *Internal combustion engines, parts. Turbo-jet engines and gas turbines. Classification principles: "Entireties."*—Turbo-jet engines and gas turbines imported in one shipment but packaged separately, classifiable under the provision for internal combustion engines, non-piston type engines, in *item 660.46*, TSUS, as entireties. Turbo-jet engines and turbines imported in different shipments, separately classifiable as follows: Turbo-jet engines under *item 660.46*, TSUS; and turbines under the provisions for other parts of internal combustion engines in *item 660.54*, TSUS. Bureau letter dated September 23, 1970. (432.1)

T.D. 70-223(11) *Jewelry and related articles. Dolls.*—A plastic watch strap with a slip-on zippered plastic case having a clear plastic front which has numbers and watch hands painted on it which contains a small doll measuring approximately 2 inches in height is classifiable as follows: The plastic watch strap and slip-on plastic case under the provision for other jewelry and other objects of personal adornment valued over 20 cents per dozen pieces or parts in *item 740.38*, TSUS; the doll under the provision for dolls in *item 737.20*, TSUS. T.D. 34474 and Abstract 17102, noted. Bureau letter dated September 21, 1970. (492.11)

T.D. 70-223(12) *Knives and cutting blades for power or hand machines. Microtome knives.*—Metal knives for microtomes, including knives containing diamonds, classifiable under the provision for knives and cutting blades for power or hand machines in *item 649.67*, TSUS. Bureau letter dated August 24, 1970. (490)

T.D. 70-223(13) *Models.*—Wooden models made to approximate scale of sections or components of machines for making cellulosic pulp, paper, or paperboard, more specifically, models of a papriformer, fourdrinier, adjustable foil, press section, winder, slitter assembly, and table roll bearing, classifiable under the provision for models of articles in *item 737.15, TSUS*. Bureau letter dated September 11, 1970. (434.3)

T.D. 70-223(14) *Parts of electric motors of under $\frac{1}{40}$ horsepower. Oscillators, magnetic.*—Magnetic oscillators which consist of a barium ferrite balance wheel hairspring assembly having an oscillating frequency of 60 cycles per second and which are used in brushless direct current timing motors with power input of 2 watts for direct current timers and controls and other applications requiring close speed regulation, classifiable under the provision for parts of electric motors of under $\frac{1}{40}$ horsepower in *item 682.55, TSUS*. Bureau letter dated September 24, 1970. (431)

T.D. 70-223(15) *Parts of paper, paperboard, or pulp-finishing machines. Parts of machines, nspf. Components of doctors.*—Pressure plate assemblies, torque arm assemblies, doctor blades, exchange pressure plates, and pressure tubes, consisting of specially designed components of doctors used to remove particles of fibers from rolls or cylinders of paper making machines, classifiable under the provision for other parts of machines for making paper in *item 668.06, TSUS*, and not under the provision for parts of machines nspf in *item 678.50, TSUS*, as the merchandise constitutes essential components of doctors which serve a necessary function in the operation of paper making machines. Bureau letter dated September 23, 1970. (434)

T.D. 70-223(16) *Parts of radio broadcasting reception and transmission apparatus. Antenna skins.*—Antenna skins formed from flat sheets of aluminum for assembly into a parabolic reflector radio-telecommunication antenna, classifiable under the provision for parts of radio broadcasting reception and transmission apparatus in *item 685.25, TSUS*. Bureau letter dated September 21, 1970. (431.51)

T.D. 70-223(17) *Radiotelephonic transmission and reception apparatus. Waveguides.*—Antenna feed sub-assemblies or waveguides which are hollow structures made from hollow or rectangular brass tubing and used with parabolic reflectors for use in transmitting and receiving radiotelephone signals between nearby points, classifiable under the provision for radiotelephonic transmission and reception apparatus in *item 685.25, TSUS*. Bureau letter dated September 25, 1970. (431.5)

T.D. 70-223(18) *Wood products. Wood poles.*—Cylindrical sections of Western Red Cedar tree trunks 30 feet to 110 feet long, used

to support cables and wires for transmitting electric power or communications, classifiable under the provision for wood poles in *item 200.60*, TSUS. Before importation, these poles can be air seasoned, debarked and/or machine shaved, framed which includes roofing, gaining, and drilling, incised the entire length or at the butt, and treated with creosote or other unpigmented wood preservative. Bureau letter dated September 10, 1970. (481.21)

VESSELS IN FOREIGN AND DOMESTIC TRADE

T.D. 70-223(19) *Towing of American vessel in foreign trade by foreign tug.*—Section 316(a), title 46, United States Code, must be construed consistently with section 883, title 46, and section 1442, title 19, United States Code, and is not applicable to the continuous towing by the same foreign tug of an American vessel engaged solely in foreign trade on a voyage from a foreign port to a domestic port or ports, or from a domestic port or ports to a foreign port, merely because both tug and tow stop at other domestic ports solely to load export cargo or to unlade import cargo. Section applicable if tug is changed at domestic port or vessel towed engages in other than foreign trade. Bureau letter dated September 24, 1970. (212.01)

(T.D. 70-224)

Powers of Attorney, Authority to File Protests, Brokers' Books and Papers—Customs Regulations amended

Sections 8.19(a), 111.1(e), 111.23(a) and 174.3(a), relating respectively to powers of attorney, brokers' books and papers and power of attorney to file protests, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

To facilitate the automatic data processing of Customs entries, the Bureau has decided that customhouse brokers need not file a power of attorney with a District Director of Customs as a prerequisite to Customs' acceptance of an entry submitted by a customhouse broker on behalf of an importer. This decision does not relieve a customhouse broker of the obligation to obtain a valid power of attorney prior to filing an entry for an importer.

Accordingly, the Customs Regulations are amended as follows:

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Section 8.19(a) is amended by deleting the words "filed by the customhouse broker with the district director of Customs" from the last sentence, and adding the following to the end of the section so that the last three sentences will read as follows:

8.19 Powers of attorney.—(a) * * * A Customs power of attorney executed in favor of a licensed customhouse broker may specify that the power of attorney is granted to the customhouse broker to act through any of its licensed officers or any employee specifically authorized to act for such customhouse broker by power of attorney. A customhouse broker is not required to file a power of attorney with a District Director of Customs as a prerequisite to the transaction of a specified part or all the Customs business of a principal. Customhouse brokers will retain powers of attorney with their books and papers, and make them available to Treasury Department representatives as provided in Part 111, subpart C of this chapter.

(Sec. 484, 46 Stat. 722, as amended; 19 U.S.C. 1484.)

PART 111—CUSTOMHOUSE BROKERS

Section 111.1(e) is amended to add the words "powers of attorney" after the word "documents" so that the section will read as follows:

111.1 Definitions

(e) *Books and papers.* "Books and papers" include all books, accounts, records, papers, documents, powers of attorney, data processing materials (other than cards, magnetic tapes and discs, and incidental intermediate forms temporary in nature), and correspondence of a broker relating to his Customs business.

(Sec. 641, 46 Stat. 759; 19 U.S.C. 1641.)

The first sentence of section 111.23(a) is amended by adding the words "except for powers of attorney" following the word "broker" and adding a new second sentence, so that the first two sentences will read as follows:

111.23 Retention of books and papers.—(a) *Period and place of retention.* The books and papers as defined in section 111.1(e) and required by sections 111.21 and 111.22 to be kept by a broker, other than powers of attorney, shall be retained within the Customs district to which they relate for at least 6 years after the date of entry. Powers of attorney shall be retained until revoked, and revoked powers of attorney and letters of revocation thereof shall be retained for 6 years after the date of revocation.

(Sec. 641, 46 Stat. 759; 19 U.S.C. 1641.)

PART 174—PROTESTS

Section 174.3(a)(2) is amended by deleting the words "on file" in the last sentence so that it will read as follows:

1743 Power of attorney to file protest. (a) *When required.*
 (2) *Customhouse broker or his employee.* * * * The customhouse broker shall have, however, a general power of attorney to transact Customs business for the principal on Customs Form 5291.

(Sec. 514, 46 Stat. 734, as amended; 19 U.S.C. 1514.)

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624.)

The circumstances in which the written authority of a broker to act for his client must be presented is a matter exclusively for the determination of the Customs Service. Therefore, notice of the proposed amendments and public procedure thereunder pursuant to 5 U.S.C. 553 are found to be unnecessary.

Effective date: These amendments shall become effective 30 days after date of publication in the Federal Register.

(325.52)

EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved October 8, 1970:

WILLIAM L. DICKEY,
Acting Assistant Secretary of the Treasury.

[Published in the Federal Register October 16, 1970 (35 F.R. 16243)]

(T.D. 70-225)

*Countervailing duties—Sugar content of certain articles from
 Australia*

Net amount of bounty declared for the months of July, August and September 1970, for products of Australia subject to the countervailing duty order published in T.D. 54582. Section 16.24(f), Customs Regulations, amended

TREASURY DEPARTMENT,
 OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 16—LIQUIDATION OF DUTIES

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the months of July, August, and September 1970, of approved fruit products and other approved products containing sugar amounts to Australian \$74.10, \$73.40, and \$73.40, respectively, per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be the rates stated above. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amounts of the bounty shown above shall be assessed and collected.

The table in section 16.24(f) under "Australia—Sugar content of certain articles" is amended (1) by deleting therefrom the reference to T.D. 69-253 and (2) by adding a reference to this Treasury decision. As amended the last three lines of the table under this commodity will read:

Country	Commodity	Treasury Decision	Action
		70-105	New rate
		70-197	New rate
		70-225	New rate

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624.)
(644)

EDWIN F. RAINS,

Acting Commissioner of Customs.

Approved October 2, 1970:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register October 21, 1970 (35 F.R. 16403)]

(T.D. 70-226)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., October 14, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c),

Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period October 5 through October 9, 1970, rate of \$0.248739.

Denmark krone:

October 5, 1970-----	\$0.133300
October 6, 1970-----	.133306
October 7, 1970-----	.133354
October 8, 1970-----	.133300
October 9, 1970-----	.133300

Hong Kong dollar:

For the period September 14 through September 18, 1970,
Official rate of \$0.163750. Free rate not available.

Iran rial:

For the period September 21 through September 25, 1970,
rate of \$0.0130333.

Philippine peso:

For the period September 21 through September 25, 1970,
Official rate of \$0.256410* and the following Free rates:

September 21, 1970-----	\$0.155800*
September 22, 1970-----	.155800*
September 23, 1970-----	.155666*
September 24, 1970-----	.155666*
September 25, 1970-----	.155500*

Thailand baht (tical):

For the period September 21 through September 25, 1970,
rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rates.

(T.D. 70-227)

Cotton textiles—Restriction on entry

Restriction on certain categories of cotton textiles and cotton textile products
manufactured or produced in Romania

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 14, 1970.

There is published below the directive of September 25, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the United States of cotton textiles and cotton textile products in certain categories manufactured or produced in Romania.

This directive was published in the Federal Register on October 3, 1970 (35 F.R. 15456), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

September 25, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning July 31, 1970, and extending through July 30, 1971, entry into the United States for con-

sumption and withdrawal from warehouse for consumption, of cotton textile products in Categories 19 and 47, produced or manufactured in the Socialist Republic of Romania, in excess of the following levels of restraint:

<i>Category</i>	<i>Twelve-Month Level of Restraint¹</i>
19	500,000 square yards
47	9,575 dozen

In carrying out this directive, entries of cotton textile products in Categories 19 and 47, produced or manufactured in the Socialist Republic of Romania and which have been exported to the United States from the Socialist Republic of Romania prior to July 3, 1970, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Categories 19 and 47, in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textile products from the Socialist Republic of Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the Federal Register.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

¹ These levels have not been adjusted to reflect any entries made on or after July 31, 1970.

(T.D. 70-228)

Bonds

Approval and discontinuance of bonds for the control of identified shipping containers

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 19, 1970.

The following bond for the control of identified shipping containers has been discontinued as follows. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow.

Name of principal and surety	Date of bond	Date of approval	Filed with district director of customs
Advance Distribution Co., Inc., 311 California St., San Francisco, Calif.; The Travelers Indemnity Co. D 11-1-70	July 27, 1966	Aug. 4, 1966	San Francisco, Calif.

(542.113)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(T.D. 70-229)

Bonded Carriers

Approval and discontinuance of carrier bonds, Customs Form 3587

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 19, 1970.

Bonds of carriers for the transportation of bonded merchandise have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at end of list.

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/director; amount
Allied Container Service, Inc., 351 Ivory St., Norfolk, Va., water carrier; The American Ins. Co.	Aug. 21, 1970	Sept. 2, 1970	Norfolk, Va.; \$50,000
Associated Shippers Carloading Corp., 2500 W. Taylor St., Chicago, Ill., freight forwarder; St. Paul Fire & Marine Ins. Co. D 8-26-66	May 25, 1965	July 1, 1965	Chicago, Ill.; \$30,000
Ayers & Maddux, Inc., 510 E. Olympic Blvd., Los Angeles, Calif., motor carrier; Pacific Employers Ins. Co. PB (7-25-68) D 7-28-70 ¹	July 21, 1970	July 28, 1970	Nogales, Ariz.; \$50,000
Bates Truck Line, Inc., 802 N. Nagle St., Houston, Tex.; motor carrier; The Aetna Casualty & Surety Co. D 9-11-70	Aug. 29, 1969	Oct. 8, 1969	Houston, Tex.; \$25,000
Bruce Motor Freight, Inc., Des Moines, Iowa, motor carrier; The Aetna Casualty & Surety Co. PB (3-29-68) D 8-15-69 ²	Aug. 15, 1969	Aug. 15, 1969	Chicago, Ill.; \$25,000
California Canadian Express, Fresno, Calif., motor carrier; Hartford Accident & Indemnity Co. D 4-14-60	Jan. 27, 1968	Jan. 28, 1968	San Francisco, Calif.; \$10,000
Arthur B. Chantry, 1325 Ingraham St., Los Angeles, Calif., motor carrier; The Aetna Casualty & Surety Co. PB (3-3-65) D 6-30-69 ³	May 27, 1969	July 3, 1969	Nogales, Ariz.; \$10,000
Warn Bros., Inc. dba Crescent Truck Lines, 555 143rd Ave., San Leandro, Calif., motor carrier; Glens Falls Ins. Co. D 6-1-70	May 24, 1968	June 4, 1968	San Francisco, Calif.; \$25,000
Delta Lines, Inc., 65th & East Freeway, Emeryville, Calif., motor carrier; General Ins. Co. of America PB (10-5-64) D 4-12-68	Mar. 11, 1968	Apr. 12, 1968	San Francisco, Calif.; \$25,000
Foss Alaska Line, Inc., 660 West Ewing St., Seattle, Wash., water carrier; The Travelers Indemnity Co.	July 15, 1970	Sept. 23, 1970	Seattle, Wash.; \$50,000
Charles Ihrig & Son, Inc., 17 Rawlins St., Buffalo, N.Y., motor carrier; Fidelity & Deposit Co. of Md. D 9-30-70	Nov. 16, 1962	Dec. 10, 1962	Buffalo, N.Y.; \$10,000
Int'l Transport Associates, Inc., dba Smyth Caribbean Van Lines, G.P.O. Box 3133, San Juan, P.R., motor carrier; General Ins. Co. of America	Apr. 28, 1970	Sept. 4, 1970	San Juan, P.R.; \$25,000
Interstate Express, Inc., 3201 Kingsby Ct., Denver, Colo., freight forwarder; General Ins. Co. of America PB (9-5-67) D 9-17-70 ⁴	Sept. 5, 1970	Sept. 17, 1970	New York, N.Y.; \$50,000
Jones Truck Lines, Inc., 610 E. Emma Ave., Springdale, Ark., motor carrier; U.S. Fidelity & Guaranty Co. PB (3-28-58) D 9-28-70	Sept. 11, 1970	Sept. 28, 1970	New Orleans, La.; \$25,000
Laskas Motor Lines, Inc., 375 Thomaston Ave., Waterbury, Conn., motor carrier; The Travelers Indemnity Co. D 9-25-70	Sept. 21, 1962	Dec. 17, 1962	New York, N.Y.; \$25,000
Los Angeles-Yuma Freight Lines, P.O. Box 4460 KOFA Station, Yuma, Ariz., motor carrier; Transport Indemnity Co.	July 30, 1970	Sept. 21, 1970	Nogales, Ariz.; \$25,000
Magee Truck Service, Inc., 18101 S. E. McLoughlin Blvd., Milwaukie, Ore., motor carrier; Resolute Ins. Co.	June 10, 1970	Oct. 2, 1970	Portland, Ore.; \$25,000
Malone Transportation, Inc., 326 New Market St., Philadelphia, Pa., motor carrier; Planet Ins. Co. D 10-2-70	May 28, 1968	June 6, 1968	Philadelphia, Pa.; \$25,000

See footnotes at end of table.

Name of carrier and surety	Date of bond	Date of approval	Filed with regional commissioner/ district director; amount
Marine Fueling Service, Inc., Yacht Club Rd., Port Arthur, Tex., water carrier; The Fidelity & Casualty Co. of N.Y. D 10-1-70	Oct. 31, 1961	Oct. 31, 1961	Port Arthur, Tex.; \$25,000
Nilson Motor Express, Inc., P.O. Box 3616, Charleston, S.C., motor carrier; The Travelers Indemnity Co. D 10-5-70	Aug. 22, 1968	Aug. 30, 1968	Charleston, S.C.; \$25,000
Northern Haulers Corp., 440 Eastern Blvd., Watertown, N.Y., motor carrier; Liberty Mutual Ins. Co. D 9-1-70	June 6, 1969	July 23, 1969	Ogdensburg, N.Y.; \$25,000
Port Arthur Towing Co., 221 Dryden Pl., Port Arthur, Tex., water carrier; Maryland Casualty Co. D 9-28-70	Jan. 9, 1961	Jan. 11, 1961	Port Arthur, Tex.; \$25,000
Raymond J. Francis dba Port Transport, 633 Switzer St., San Diego, Calif., motor carrier; Ins. Co. of North America	Sept. 14, 1970	Sept. 28, 1970	San Diego, Calif.; \$25,000
Powell Transportation Co., Inc., 5110 Buchanan St., Hyattsville, Md., motor carrier; Liberty Mutual Ins. Co. D 2-12-68	Dec. 1, 1962	Nov. 5, 1963	Baltimore, Md.; \$10,000
Puget Sound Tug & Barge Co., 1102 S.W. Massachusetts, Seattle, Wash., water carrier; U.S. Fidelity & Guaranty Co. PB (11-7-63) D 9-25-70 ¹	Sept. 25, 1970	Sept. 25, 1970	Seattle, Wash.; \$50,000
C. Rickard & Sons, Inc., 20 Atlantic St., Bridgeport, Conn., motor carrier; U.S. Fidelity & Guaranty Co. D 9-25-70	Sept. 4, 1969	Sept. 25, 1969	Bridgeport, Conn.; \$25,000
State of Calif., Acting by & Thru San Francisco Port Authority, Ferry Bldg., San Francisco, Calif., rail carrier; Fireman's Fund Ins. Co.	Mar. 12, 1968	Apr. 11, 1968	San Francisco, Calif.; \$10,000
Trans-California Motor Lines, Inc., 559 China Basin St., San Francisco, Calif., motor carrier; Mid-Century Ins. Co. D 5-20-70	Feb. 15, 1960	Feb. 26, 1960	San Francisco, Calif.; \$10,000
Twin City Freight, Inc., 2280 Ellis Ave., St. Paul, Minn., motor carrier; Western Surety Co.	Oct. 2, 1970	Oct. 6, 1970	Minneapolis, Minn.; \$30,000
Universal Van Lines, Inc., 117 W. Virginia Beach Blvd., Norfolk, Va., motor carrier; New Hampshire Ins. Co. D 10-6-70	May 28, 1968	May 29, 1968	Norfolk, Va.; \$25,000
Watt Transport, Inc., 115 Army Rd., Providence, R.I., motor carrier; Liberty Mutual Ins. Co. D 9-1-70	July 20, 1965	July 20, 1965	Providence, R.I.; \$25,000
L. Woods & Sons Transport, Ltd., LaSalle, Quebec, Can., motor carrier; The Continental Ins. Co.	Nov. 27, 1968	Sept. 16, 1970	Ogdensburg, N.Y.; \$25,000

¹ Surety is U.S. Fidelity & Guaranty Co.² " " Fidelity & Deposit Co. of Md.³ " " Mid-Century Ins. Co.⁴ " " Western Casualty & Surety Co.⁵ " " Fidelity & Deposit Co. of Md.

(241.2)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

(T.D. 70-230)

Cotton textiles—Restrictions on entry

Restrictions on category 60 cotton textile products manufactured or produced in Ceylon

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 20, 1970.

There is published below the directive of October 3, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restrictions on entry into the United States of cotton textile products in category 60 manufactured or produced in Ceylon.

This directive was published in the Federal Register on October 10, 1970 (35 F.R. 16017), by the Interagency Textile Administrative Committee.

(343.3)

MYLES J. AMBROSE,
Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

October 3, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning August 3, 1970, and extending through August 2, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 60, produced or manufactured in Ceylon, in excess of a level of restraint for the period of 18,433 dozen.¹

¹ This level has not been adjusted to reflect any entries made on or after August 3, 1970.

In carrying out this directive, entries of cotton textile products in Category 60, produced or manufactured in Ceylon and which have been exported to the United States from Ceylon prior to August 3, 1970, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 60, in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Ceylon and with respect to imports of cotton textile products from Ceylon have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such action, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the Federal Register.

Sincerely,

ROCCO C. SICILIANO,
*Acting Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee*

(T.D. 70-231)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 20, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

October 12, 1970	Holiday
October 13, 1970	\$0.248739
October 14, 1970	.248739
October 15, 1970	temporarily suspended
October 16, 1970	temporarily suspended

Denmark krone:

October 12, 1970	Holiday
October 13, 1970	\$0.133268
October 14, 1970	.133315
October 15, 1970	.133283
October 16, 1970	.133275

Hong Kong dollar:

For the period September 21, 1970, through September 25, 1970, Official rate of \$0.163750 and the following Free rates:

September 21, 1970	\$0.163867
September 22, 1970	.163934
September 23, 1970	.163934
September 24, 1970	.163934
September 25, 1970	.163867

Iran rial:

For the period September 28 through October 2, 1970, rate of \$0.0130333.

Philippine peso:

For the period September 28 through October 2, 1970, Official rate of \$0.256410* and the following Free rates:

September 28, 1970	\$0.155500*
September 29, 1970	.155333*
September 30, 1970	.155266*
October 1, 1970	.155266*
October 2, 1970	.155266*

Thailand baht (tical):

For the period September 28 through October 2, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).
(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rates.

(T.D. 70-232)

Reimbursable services—Excess cost of preclearance operations

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 21, 1970.

Notice is hereby given that pursuant to section 24.18(d), Customs Regulations (19 CFR 24.18(d)), the bi-weekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning November 1, 1970.

<i>Installation</i>	<i>Bi-weekly excess cost</i>
Montreal, Canada	\$2,811
Toronto, Canada	4,947
Kindley Field, Bermuda	1,098
Nassau, Bahama Islands	5,898
Vancouver, Canada	2,354
Winnipeg, Canada	280

(140.5)

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

[Published in the Federal Register October 30, 1970 (35 F.R. 16808)]

(T.D. 70-233)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 26, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

October 19, 1970-----	Temporarily Suspended
October 20, 1970-----	Temporarily Suspended
October 21, 1970-----	Temporarily Suspended
October 22, 1970-----	\$0. 248739
October 23, 1970-----	. 248739

Denmark krone:

October 19, 1970-----	\$0. 133312
October 20, 1970-----	. 133316
October 21, 1970-----	. 133358
October 22, 1970-----	. 133329
October 23, 1970-----	. 133316

Hong Kong dollar:

For the period September 28 through October 2, 1970, Official rate of \$0.163750 and the following Free rates:

September 28, 1970-----	\$0. 163867
September 29, 1970-----	. 163900
September 30, 1970-----	. 163867
October 1, 1970-----	. 163900
October 2, 1970-----	. 163867

Iran rial:

For the period October 5 through October 9, 1970, rate of \$0. 0130333.

Philippine peso:

For the period October 5 through October 9, 1970, Official rate of \$0.256410* and the following Free rates:

October 5, 1970-----	\$0. 155266*
October 6, 1970-----	. 154766*
October 7, 1970-----	. 154766*
October 8, 1970-----	. 154766*
October 9, 1970-----	. 154766*

Thailand baht (tical):

For the period October 5 through October 9, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rate.

(T.D. 70-234)

*Special tonnage tax and light money—Ceylon—Customs Regulations
amended*

Foreign discriminating duties of tonnage and impost with respect to vessels of and certain imports from Ceylon suspended and discontinued; section 4.22, Customs Regulations, amended

TREASURY DEPARTMENT,
Washington, D.C., October 26, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

The Department of State advised the Department of the Treasury on October 1, 1970, that the Department of State has obtained from the Government of Ceylon satisfactory evidence that no discriminating duties of tonnage or imposts have been imposed or levied in ports of Ceylon upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Ceylon in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects vessels of the Government of Ceylon, and the produce, manufactures, or merchandise imported into the United States in such vessels from Ceylon or from any other foreign country. This suspension and discontinuance shall take effect from October 1, 1970, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, section 4.22, Customs Regulations, is amended by the insertion of "Ceylon" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141).

(214.1)

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register November 5, 1970 (35 F.R. 16808)]

(T.D. 70-235)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textiles and cotton textile products manufactured or produced in the Republic of Korea

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 30, 1970.

There is published below the letter of October 19, 1970, received by the Commissioner of Customs from the Interagency Textile Administrative Committee, amending levels of restraint for certain categories of cotton textiles and cotton textile products, manufactured or produced in the Republic of Korea, contained in the President's Cabinet Textile Advisory Committee directive of December 15, 1969 (T.D. 70-24).

This letter was published in the Federal Register on October 22, 1970 (35 F.R. 206), by the Interagency Textile Administrative Committee.

(343.3)

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

October 19, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

On December 15, 1969, the Chairman of the President's Cabinet Textile Advisory Committee, directed you, effective January 1, 1970,

to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Republic of Korea, and exported to the United States in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments¹ in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph seven (7) of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 15, 1969, the levels of restraint provided in that directive for cotton textile products in Categories 9, 18/19, 22, 26 (duck), 26 (other than duck) and part of 64 (tablecloths and napkins only), produced or manufactured in the Republic of Korea and exported from the Republic of Korea to the United States, for the period beginning January 1, 1970, and extending through December 31, 1970, are hereby amended as follows, to be effective as soon as possible:

<i>Categories</i>	<i>Amended Twelve-Month Levels of Restraint²</i>
9	3,038,766 square yards
18/19	2,309,462 square yards
22	972,405 square yards
26 (duck only) ³	13,370,569 square yards
26 (other than duck) ³	1,154,731 square yards
64 (only T.S.U.S.A. Nos.: 366.4500, 366.4600, and 366.4700)	555,487 pounds

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by

¹ The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements.

² These levels have not been adjusted to reflect entries made on or after January 1, 1970.

³ In Category 26, the T.S.U.S.A. numbers for duck are:

320.—01 through 04, 06, 08

321.—01 through 04, 06, 08

322.—01 through 04, 06, 08

326.—01 through 04, 06, 08

327.—01 through 04, 06, 08

328.—01 through 04, 06, 08

the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the Federal Register.

Sincerely yours,

STANLEY NEHMER

*Chairman, Interagency Textile
Administrative Committee, and
Deputy Assistant Secretary for
Resources*

(T.D. 70-236)

Instruments of international traffic

Certain containers used to transport snowmobile parts designated as instruments of international traffic

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 2, 1970.

It has been established to the satisfaction of the Bureau that the following open-top metal containers are substantial, designed for and capable of repeated use in transportation, and used in substantial numbers in international traffic:

- (1) Steel frame, platform 37 inches square, steel mesh sides 24 inches in height, with four 5-inch high legs of triangular configuration grooved for stacking purposes; used to carry snowmobile spare parts.
- (2) Steel tubing, platform 39 inches square, open sides with tube corner posts, top rails approximately 40 inches above platform, with four 5-inch high legs of triangular configuration grooved for stacking purposes; used to carry snowmobile spare skis.

Under the authority of section 10.41a(a), Customs Regulations, I hereby designate the above-described metal containers as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These containers may be released under the procedures provided for in section 10.41a.

(542.112)

ROBERT V. McINTYRE,
Acting Commissioner of Customs.

[Published in the Federal Register November 10, 1970 (35 F.R. 17274)]

(T.D. 70-237)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 3, 1970.

The Federal Reserve Bank of New York, pursuant to section 522 (c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period October 26 through October 30, 1970, rate of \$0.248739.

Denmark krone:

October 26, 1970.....	\$0.133315
October 27, 1970.....	.133337
October 28, 1970.....	.133333
October 29, 1970.....	.133345
October 30, 1970.....	.133321

Hong Kong dollar:

For the period October 5 through October 9, 1970, Official rate of \$0.163750 and the following Free rates:

October 5, 1970.....	\$0.163900
October 6, 1970.....	.163867
October 7, 1970.....	.163800
October 8, 1970.....	Not available
October 9, 1970.....	.163733

Iran rial:

For the period October 13 through October 16, 1970, rate of \$0.0130333.

Philippine peso:

For the period October 13 through October 16, 1970, Official rate of \$0.256410* and Free rate of \$0.154766*.

*Certified as nominal rates.

Thailand baht (tical):

For the period October 13 through October 16, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

(T.D. 70-238)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 6, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.

(133.121)

ROBERT V. MCINTYRE,
Assistant Commissioner,
Office of Regulations and Rulings.

TARIFF CLASSIFICATION

T.D. 70-238(1) *Alcohols, polyhydric. Piperonyl butoxide.*—Piperonyl butoxide, used as a synergist in insecticidal formulations, having a benzenoid structure derived from safrol obtained from the plant *ocotea cymbarum*, is excluded from *Part 1, Schedule 4*, following *Headnote 3*, and is, accordingly, classifiable as an ether of a polyhydric alcohol in *item 428.46*, TSUS. Bureau letter dated October 23, 1970. (417.0)

T.D. 70-238(2) *Apparatus based on the use of X-rays.*—Equipment for spectroscopy, using an X-ray source, for the study of the condition of the surfaces or mass of various specimens, classifiable under the provision for apparatus based on the use of X-rays in *item 709.63*, TSUS. Bureau letter dated October 9, 1970. (431.4)

T.D. 70-238(3) *Apparatus for making or breaking electrical circuits.*—Three-phase, oil breakers or reclosures filled with oil for insula-

tion and mounted on outdoor poles for connection to high voltage power lines, and designed to reclose after momentary faults or lock open when faults are permanent, classifiable under the provision for apparatus for making or breaking electrical circuits in *item 685.90*, TSUS. Bureau letter dated October 5, 1970. (431)

T.D. 70-238(4) *Asbestos articles.*—Bagged asbestos shorts and chemicals consisting of 79 percent by weight of asbestos, with added layers of magnesite and epsom salts, and in chief value of asbestos, is classifiable as an article nspf, of absestos, in *item 518.51*, TSUS. Bureau letter dated October 6, 1970. (445.31)

T.D. 70-238(5) *Benzenoid pesticides. DCMU.*—Dichlorophenyl methoxy methylurea, a herbicide, is classifiable under the provision for benzenoid pesticides in *item 405.15*, TSUS. Bureau letter dated October 16, 1970. (417.0)

T.D. 70-238(6) *Devices for curling the hair. Bull bone hairpipe.*—Cylindrical device about 3 inches in length with a $\frac{3}{8}$ -inch hole throughout its length, tapered towards the ends, made from bull bone and used for "curving" hair, classifiable under the provision for non-thermic, nonornamental devices for curling the hair in *item 750.25*, TSUS. Bureau letter dated October 22, 1970. (459.112)

T.D. 70-238(7) *Electric sound amplifier sets. Detector, short circuit.*—Short circuit detector consisting of a transistorized amplifier and headphones used with a probe to localize short circuits in electric lines by feeding current at a given frequency into the short circuited loop, classifiable under the provision for electric sound amplifier sets in *item 684.70*, TSUS. Bureau letter dated October 20, 1970. (431.3)

T.D. 70-238(8) *Electrical articles, nspf. Oscillator.*—Oscillator used to feed current at a desired frequency into a short circuited loop to aid in localization of a short circuit by use of a short circuit detector which amplifies the frequency, classifiable under the provision for electrical articles, nspf, in *item 688.40*, TSUS. Bureau letter dated October 20, 1970. (431.3)

T.D. 70-238(9) *Electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus. Analyzing instruments, chemical and porosity.*—Apparatus for automatic chemical analysis and instruments for porosity analysis, classifiable under the provision for electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus in *item 712.49*, TSUS. Bureau letter dated October 23, 1970. (426.85)

T.D. 70-238(10) *Electrical measuring, checking, analyzing or automatically-controlling instruments and apparatus. Control.*—Controls using a thermocouple or platinum resistance bulb input, which measure temperature, compare it with a set temperature, and through on-off action accomplish the desired control, continuing the "on" in proportion to the measured value, classifiable under the provision for electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus in *item 712.49*, TSUS. Bureau letter dated October 12, 1970. (431.24)

T.D. 70-238(11) *Hair ornaments. Bun bonnet.*—Crocheted wool used to cover a bun of hair, approximately 5 inches in diameter with 1½ inches in elasticized opening to allow stretching over bun, is classifiable under the provision for other hair ornaments in *item 750.22*, TSUS. Bureau letter dated October 16, 1970. (473.4143)

T.D. 70-238(12) *Luggage and handbags. Rubberized rayon bag.*—Small bag, approximately 13 inches by 15 inches, having two handles, a small zippered pocket on the outside, a section of small plastic tubing inserted in holes at the top thereby serving as a draw string, and composed of a woven fabric of man-made fibers backed by a rubberized plastic, classifiable under the provision for luggage of other materials (except yarns of paper), whether or not ornamented, in *item 706.24*, TSUS. Bureau letter dated October 7, 1970. (455.5)

T.D. 70-238(13) *Machines nspf. Recorder, cumulative.*—Cumulative recorder for producing a record on rolls of paper 6 inches wide and 66 feet long using a pen which does not require special ink, and containing solid-state design with all electronic components mounted on plug-in printed circuit boards, for use as peripheral equipment with control devices designed for life science research, classifiable under the provision for machines nspf in *item 673.50*, TSUS. Bureau letter dated October 5, 1970. (426.85)

T.D. 70-238(14) *Microphones.*—A device designated an artificial mastoid used as a transducer in systems for testing or calibrating earpieces for hearing aids and audiometers, which uses the piezoelectric effect for converting the sounds produced by the tested devices into electrical impulses and which simulates the mechanical impedance of the human ear, and accessories for measuring the weight of the tested device on the transducer, for leveling purposes, and for testing the transducer itself, classifiable under the provision for microphones in *item 684.70*, TSUS. Bureau letter dated October 26, 1970. (426.85)

T.D. 70-238(15) *Mixtures, chemical. Baking additives.*—Baking additives to be added in the process of making breads and other yeast-

raised goods, consisting of a mixture of organic and inorganic chemicals, and designed to affect the processing rather than the product, is classifiable under the provision for mixtures nspf in *item 432.00*, TSUS. *Headnote 3, Subpart B, Part 15, Schedule 1*, and T.D. 68-284(8), noted. Bureau letter dated October 23, 1970. (417.0)

T.D. 70-238(16) *Non-optical measuring instruments. Accelerometer and clinometer.*—Automobile accelerometer and clinometer which is mounted on the cowl or dashboard, and which shows readings in degrees or "G" units, depending on whether used as a clinometer or used to measure acceleration and deceleration, classifiable in *item 710.80*, TSUS. Bureau letter dated October 16, 1970. (426.845)

T.D. 70-238(17) *Plastics articles nspf. Protective cover for books.*—Protective cover for books, consisting of a flat, transparent, flexible, vinyl plastic material approximately .006 inch thick measuring about $8\frac{1}{2}$ inches by $5\frac{7}{8}$ inches with strips 2 inches wide heat sealed along its shorter sides, classifiable under the provision for other articles nspf, of plastics, in *item 774.60*, TSUS. Bureau letter dated October 21, 1970. (418.44)

T.D. 70-238(18) *Plastics articles nspf. Vinyl envelopes.*—Vinyl envelopes measuring about $8\frac{7}{8}$ inches by $5\frac{7}{8}$ inches made of a transparent, flexible, vinyl plastics, .012 inch thick, and heat sealed on three sides and open at one of its shorter sides, classifiable under the provision for articles nspf, of plastics, in *item 774.60*, TSUS. Bureau letter dated October 21, 1970. (418.44)

T.D. 70-238(19) *Ski-boots. The upper and measurement of the surface area of uppers.*—The upper of a ski boot or other article of footwear is that portion above the outer sole or, where there is no separate upper and outer sole, as in an injection molded plastic ski boot, that portion above the line simulating the point at which the upper and sole join. In measuring the outer surface area of the upper, the buckle and buckle housings are not considered to be part of the outer surface area, but metal ankle plates, toe caps, and other objects which replace exterior surface area are considered to be outer surface area of the upper. Bureau letter dated October 15, 1970. (455.44)

T.D. 70-238(20) *Underwear. Women's lace panties.*—Women's panties fabricated from a knit, openwork mesh material, with a preconceived inwrought design and said to offer "light control" are within the definition of lace enunciated in *C.D. 1889*, and classifiable under the provision for lace underwear, whether or not ornamented, in *item 378.05*, TSUS. Bureau letter dated October 7, 1970. (471.26)

T.D. 70-238(21) *Wearing apparel of textile materials. Girls' dress. Entireties.*—Girls' knit acrylic dress with a "V" neck, sailor-type collar, and a separate tie at the neck of knit acrylic material, the tie furnished with an aluminum spiral slide $1\frac{1}{16}$ -inch in diameter which serves to tighten or loosen the tie about the neck, is not considered ornamented within the definition in *Schedule 3, Headnote 3*, TSUS, and if designed, purchased, imported, invoiced, advertised, and sold at wholesale and retail as a unit and not separated, is considered a tariff entity. The dress, tie, and slide, are classifiable under the provision for other girls' wearing apparel, not ornamented, of man-made fibers, knit, in *item 382.78*, TSUS. Bureau letter dated October 13, 1970. (474.7)

T.D. 70-238(22) *Wearing apparel, not ornamented. Men's Norfolk style jacket.*—Men's and boys' corduroy sport coats having corduroy strips 2 inches wide overlaid over the two front panels and back of the garment extending from the shoulder seams which act as belt loops, and which serve the functional purpose of holding the belt in place, classifiable under the provision for men's or boys' wearing apparel in *item 380.12*, TSUS, and not under the provision for ornamented wearing apparel, as the overlays serve a demonstrated functional purpose. Bureau letter dated October 2, 1970. (471.236)

T.D. 70-238(23) *Wearing apparel, ornamented with textile fabric.*—Ladies' raincoat, double-breasted, containing vertical strips of the same fabric as the rest of the garment on each side of the front which extend from the yoke downward to a level of approximately 2 inches below the waist, serving no functional purpose, classifiable under the provision for women's ornamented wearing apparel, of cotton, in *item 382.00*, TSUS. Bureau letter dated October 26, 1970. (471.3)

T.D. 70-238(24) *Wood. Edge-glued wood. Dressed or worked lumber. Parts of furniture.*—Edge-glued wood made up from strips of lauan, meranti, or ramin wood, dressed or planed on two sides, bull nosed on one edge, and grooved with the grain for a drawer bottom, presumably on a matcher or molder machine, and which has to be further processed after importation by precision cutting, sanding, dovetailing, cross grain grooving, or tenoning, for use as drawer slides in the manufacture of furniture, if not over 6 feet in length or over 15 inches in width, not drilled or treated, is classifiable under the provision for hardwood lumber, edge-glued or end-glued, not drilled or treated, in *item 202.53*, TSUS; if this merchandise is over 6 feet in length and over 15 inches in width and made of lauan or meranti wood, it is classifiable under the provision for dressed or worked hardwood lumber in *item 202.40*, TSUS; when this size and made of ramin wood,

the merchandise is classifiable under the provision for other dressed or worked hardwood lumber in *item 202.46*, TSUS. When this merchandise is made of solid lumber without glue joints, it is classifiable under *item 202.40* (lauan and meranti wood) and *item 202.46* (ramin). Additional work done to this merchandise before importation such as precision cutting, sanding, or dovetailing, will result in tariff classification under the provision for parts of furniture, of wood, in *item 727.40*, TSUS. *Pacific Hardwood Sales Co., Judson Sheldon Int'l. Corp. v. United States*, January 30, 1970, C.D. 3960, cited and followed. *Schedule 2, Part 1, Subpart B, Headnote 2*, TSUS, noted. Bureau letter dated October 13, 1970. (418.21)

T.D. 70-238(25) Wood flooring, glued up.—Strips and planks of heavy duty flooring and decking, drilled and/or tongued and grooved, made up by edge-, end-, or face-gluing smaller pieces of hardwoods, used as flooring, decking, and planking for railway cars, truck beds, trailer beds, commercial buildings, and shipping containers, classifiable under the provision for other hardwood flooring in strips and planks, whether or not drilled or treated, in *item 202.58*, TSUS. Bureau letter dated October 8, 1970. (481.212)

(T.D. 70-239)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 10, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period November 2 through November 6, 1970, rate of \$0.248739.

Denmark krone:

November 2, 1970.....	\$0.133312
November 4, 1970.....	.133325
November 5, 1970.....	.133312
November 6, 1970.....	.133325

Hong Kong dollar :

For the period October 12 through October 16, 1970, Official rate of \$0.163750. Free rate not available for this period.

Iran rial :

For the period October 19 through October 23, 1970, rate of \$0.0130333.

Philippine peso :

For the period October 19 through October 23, 1970, Official rate of \$0.256410* and Free rate of \$0.154500*.

Thailand baht (tical) :

For the period October 19 through October 23, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,

Acting Commissioner of Customs.

*Certified as nominal rates.

(T.D. 70-240)

Cotton textiles—Restriction on entry

Restriction on certain categories of cotton textiles and cotton textile products manufactured or produced in the United Arab Republic

**TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 10, 1970.**

There is published below the directive of October 21, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the United States of cotton textiles and cotton textile products in certain categories manufactured or produced in the United Arab Republic.

This directive was published in the Federal Register on October 27, 1970 (35 F.R. 16656), by the Interagency Textile Administrative Committee.

(343.3)

MYLES J. AMBROSE,

Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

October 21, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of October 5, 1970, between the Governments of the United States and the United Arab Republic, effected by an exchange of notes between the Government of the United States and the Government of India representing the interests of the United Arab Republic, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed, effective as soon as possible and for the period beginning October 1, 1970, and extending through September 30, 1971, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 1/2, 3/4, 9/26, and 16/21/22/27, produced or manufactured in the United Arab Republic, in excess of the following levels of restraint:

Category	Twelve-Month Level of Restraint ¹
1/2	3,200,000 pounds (of which not more than 3,000,000 pounds may be in Category 1, and not more than 400,000 pounds in Category 2)
3/4	600,000 pounds (of which not more than 60,000 pounds may be in Category 4)
9/26	30,000,000 square yards (of which not more than 25,000,000 square yards may be in Category 9, and not more than 10,000,000 square yards in Category 26)
16/21/22/27	9,000,000 square yards (of which not more than 3,250,000 square yards may be in Category 16, not more than 3,500,000 square yards may be in Category 21, and not more than 3,500,000 square yards may be in Category 22 and not more than 1,950,000 square yards may be in Category 27)

¹ These levels have not been adjusted to reflect entries made on or after October 1, 1970.

Cotton textile products in Categories 1-4, 9, 16, 21, 22, 26 and 27 produced or manufactured in the United Arab Republic and which have been exported prior to October 1, 1970, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the Categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the United Arab Republic and with respect to imports of cotton textile products from the United Arab Republic have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such action, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-241)

Appraisement—Evidence that an export selling price between related parties fairly reflected market value

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 13, 1970.

In the case of *F. W. Myers & Co., Inc. v. United States*, the United States Customs Court held, in a decision dated December 11, 1969, published as A.R.D. 264, that the sale price of the merchandise underlying appraisement fairly reflected the market value because that price was arrived at by bona fide negotiations between the parties and included all costs of production and a profit.

In reaching that decision, the court held that plaintiff did not have the burden of accounting for the difference between the involved manufacturer's export price to the United States and other manufacturer's prices for home consumption, and that evidence of the selling price of merchandise manufactured and sold in the United States could be relevant on the question of whether negotiations between related parties were in good faith. The court cited the case of *United States v. Acme Steel Company, C.A.D. 841* (1964) as authority for its conclusion that the export selling price fairly reflected the market value.

The Bureau believes that the facts in the *Acme* case are distinguishable from the *Myers* case and does not agree with the court's opinion. While no appeal from the decision in A.R.D. 264 is contemplated, further judicial proceedings on the principles involved will be sought at an appropriate opportunity.

(332.1)

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

(T.D. 70-242)

Special classes of merchandise—Customs Regulations amended

Part 12, Customs Regulations, requirements for importations of fish and wildlife;
sections 12.26 and 12.28 amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 12—SPECIAL CLASSES OF MERCHANDISE

The Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior, pursuant to the authority of Public Law 91-135; 83 Stat. 275 ("Endangered Species Conservation Act of 1969"), has added a new Part 17 to Title 50, CFR. The purpose of the new regulations is to govern the importation and transportation of fish and wildlife primarily, including endangered fish and wildlife, implementing the Endangered Species Conservation Act of 1969 (16 U.S.C. 688cc), The Black Bass Act, as amended (16 U.S.C. 851 *et seq.*), and The Lacey Act, as amended (18 U.S.C. 43 and 44). The regulations of Part 17, Title 50, CFR, became effective on June 3, 1970. However,

sections 17.3 *Importation at designated ports* and 17.4 *Importation of fish or wildlife—Inspection and documentation*, became effective on August 3, 1970.

To conform the Customs Regulations to the regulations of the Bureau of Sport Fisheries and Wildlife as relating to importations, the Customs Regulations, are amended as follows:

The centerhead preceding section 12.26 is amended to read:

FISH, WILDLIFE, AND INSECTS

The heading for section 12.26 is amended to read:

Importations of wild animals, fish, amphibians, reptiles, mollusks, and crustaceans; prohibited and endangered species; designated ports of entry; permits required.—

The last two sentences of section 12.26(a) (1) hereby are deleted and substituted therefor are the following:

If any such prohibited specimen is imported, or if any specie or subspecie of other live or dead fish or wildlife, including any parts, products, or eggs thereof, appearing on the Endangered Species List published by the Bureau of Sport Fisheries and Wildlife, is imported, Customs release of the prohibited specimen or endangered fish or wildlife shall be refused unless there has been issued and presented in connection with entry a proper Bureau of Sport Fisheries and Wildlife permit authorizing the import transaction. In the absence of such permit, injurious specimens prohibited entry shall be required to be immediately exported or destroyed. Changes in injurious species and endangered species or subspecies which are prohibited or restricted importation may be published from time to time in 50 CFR Part 13—Importation of Wildlife or Eggs Thereof or in Part 17—Conservation of Endangered Species and Other Fish or Wildlife. Unreleased species or subspecies of live or dead endangered fish or wildlife, including parts, products, or eggs thereof, shall remain under detention subject to seizure and delivery to an appropriate regional director or other agent of the Bureau of Sport Fisheries and Wildlife for disposition as appropriate pursuant to 50 CFR Part 17.

Section 12.26(a) (3) is amended to read as follows:

(3) A Declaration for the Importation of Fish or Wildlife on Bureau of Sports Fisheries and Wildlife Form 3-177 available through Customs ports of entry shall be required to be filed for each importation of any fish or dead body thereof or fish egg and of any wild mammal, wild bird, amphibian, reptile, mollusk, or

crustacean or dead body or egg thereof, unless the importation is one excepted by 50 CFR 17.4(d) from the requirement of Form 3-177. Such declaration on Form 3-177 shall be filed by the importer or his agent with the appropriate Customs officer at the port of entry where actual examination and inspection for clearance and release occurs, and shall show, for each species or subspecies imported, the common and scientific names, number, country of origin, whether or not on the Endangered Species List in 50 CFR Part 17, Appendix A, and whether or not subject to laws or regulations in any foreign country regarding its taking, transportation, or sale.

A new subparagraph (5) is added to section 12.26(a), reading as follows:

(5) Customs entry for consumption or bonded warehousing of fish and wildlife, as defined in 50 CFR 17.2(e) and (f), intended for importation into the United States, or admission into a foreign trade zone, shall be filed at a port of entry among those designated for Customs entry in 50 CFR Part 17, Appendix B. However, Customs entry for consumption or bonded warehousing of shipments subject to emergency diversion or otherwise authorized under regulations or by permit issued by the Bureau of Sport Fisheries and Wildlife pursuant to 50 CFR Part 17, Appendices B and C, may be filed for examination and release at the ports of entry so named or permitted, but no consumption or bonded warehouse entry shall be filed or accepted at an undesignated port for any endangered specie or subspecie permitted importation pursuant to 50 CFR 17.12 except in the case of an emergency diversion of live endangered fish or wildlife accepted for such entry in accordance with item 2.(b) of 50 CFR Part 17, Appendix B. Importations of fish and wildlife subject to regulations of the Bureau of Sport Fisheries and Wildlife which arrive from abroad at any place in the United States not designated as an authorized port for Customs entry, unless occurring under conditions or circumstances in which Customs entry for consumption or bonded warehousing and final clearance has been authorized by Bureau of Sport Fisheries and Wildlife regulations or permit, may be entered only for immediate transportation without appraisement for movement under Customs bond to one of the designated ports of entry. Customs entry, release, and delivery of any shipment of shellfish and fishery products defined in 50 CFR 17.2(j) imported for commercial purposes is authorized at any port of entry, except insofar as such items include any

species or subspecies which appears on the Endangered Species List in 50 CFR Part 17, Appendix A.

Section 12.26(g) is amended to read as follows:

All import shipments of fish and wildlife subject to regulations or permit requirements of the Bureau of Sport Fisheries and Wildlife, published pursuant to the Endangered Species Conservation Act of 1969, 16 U.S.C. 688cc, or other statutory authority, shall be subject to examination or inspection by that agency's officer serving the port of entry, for determination as to permissible release or such other disposition as he may direct. Customs officers performing examinations of such fish and wildlife in accordance with regulations of the Bureau of Sport Fisheries and Wildlife in 50 CFR Part 10 and Parts 13-17, shall release shipments only upon submission by the importer of evidence sufficient to establish compliance with those regulations, any applicable permit requirements, and compliance with applicable identification and package or container marking requirements as specified by 50 CFR 17.6(a) and 17.9. In case of doubt as to whether fish, birds, or other wildlife belong to prohibited or endangered species or subspecies or whether an entry permit is required, or in case of suspicion on the part of officers of the Customs that the species sought to be entered are prohibited or endangered species or subspecies imported under other names or descriptions, the importation shall be refused Customs release, and the importer shall be responsible for concluding arrangements acceptable to the regional director or other agent of the Bureau of Sport Fisheries and Wildlife for proper handling, custody, and care, at the importer's expense and risk, of the unreleased fish, birds, or other wildlife. No Customs disposition of the importation shall be concluded pending the determination by the Bureau of Sport Fisheries and Wildlife of the true nature of the species or subspecies. In case of refusal or neglect of the importer or consignee, or agent of either, to have the identity so established, final disposition of the importation shall be required as determined by the Bureau of Sport Fisheries and Wildlife. In addition to Bureau of Sport Fisheries and Wildlife Form 3-177, required to be filed as prescribed in 50 CFR 17.4 upon entry of importations of fish and wildlife, entrants shall present appropriate foreign export permits, other acceptable foreign documentary evidence of lawful taking, transportation, or sale, or appropriate American consular certificates upon importation of fish and wildlife species or subspecies subject to such documentation requirements of 50 CFR 17.4(c) and (d).

Section 12.26(i) is amended to read as follows:

The privilege of entry for immediate transportation granted by section 552, Tariff Act of 1930, shall not be allowed for importations of fish, birds, or other wildlife which are confirmed at the port of first arrival or discharge to be injurious prohibited species, or which require permits issued prior to importation, or which are subject to quarantine regulations or inspection at the ports of first arrival or discharge or other specified place of veterinary inspection. However, entry for immediate transportation properly is allowed for any importation of fish, birds, or other wildlife which at the place of first arrival or discharge is not confirmed to be an injurious prohibited specie and which, following compliance with any applicable quarantine regulations or required veterinary inspection, is being transported by means of an in-bond movement to a port of entry designated in 50 CFR Part 17, Appendix B, for Customs entry (see paragraphs (a) and (b) of this section). Ports of designated entry, inspection, quarantine, and related enforcement procedures covering certain animals and poultry and certain animal and poultry products imported into the United States are regulated by requirements and standards prescribed in regulations of the Secretary of Agriculture, Department of Agriculture (see 9 CFR Parts 92-96; 19 CFR 12.8 and 12.24).

Section 12.28 is amended to read as follows:

12.28 Importation of wild mammals and birds in violation of foreign law.—(a) No imported wild mammal or bird, or part or product thereof, shall be released from Customs custody, except as permitted under section 12.26(i) relating to an in-bond movement to a port designated for wildlife entry, if the district director of Customs has knowledge of a foreign law or regulation obliging enforcement of section 527(a), Tariff Act of 1930 (19 U.S.C. 1527(a)), unless the importation is an excepted transaction entitled to entry under the provisions of section 527(c) of the Tariff Act or, in connection with the entry, there is presented documentation in either manner specified in 50 CFR 17.4 (c) (1) or (2) required for import transactions subject to foreign laws or regulations regarding taking, transportation, or sale of wildlife including wild mammals and birds or parts or products thereof (see section 12.26). (80 Stat. 379, 62 Stat. 687, as amended, R.S. 251, secs. 527, 624, 46 Stat. 741; 5 U.S.C. 301, 18 U.S.C. 42, 19 U.S.C. 66, 1527, 1624).

As the foregoing amendment principally conform pertinent provisions of the Customs Regulations to currently effective regulations

(50 CFR Part 17) adopted by the Bureau of Sport Fisheries and Wildlife on corresponding subject matter (35 F.R. 8491; 8736; 8941; 12121; 14932), it is found that notice and public procedure under 5 U.S.C. 553 in the promulgation of these regulations is unnecessary and for the same reason good cause is found for making them effective upon the date of publication in the Federal Register.

(622)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved November 9, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register November 24, 1970 (35 F.R. 17992)]

(T.D. 70-243)

Customs Delegation Order No. 39

Order of Commissioner of Customs establishing an order of succession of persons to act as Commissioner of Customs

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 16, 1970.

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 F.R. 2875), it is hereby ordered that the following officers of the Bureau of Customs in the order of succession enumerated, shall act as Commissioner of Customs or when there is a vacancy in such office:

1. The Deputy Commissioner of Customs;
2. The Assistant Commissioner of Customs, Office of Regulations and Rulings;
3. The Assistant Commissioner of Customs, Office of Administration.

This order supersedes the order of succession established in Delegation Order No. 35, dated October 24, 1969 (T.D. 69-239; 34 F.R. 17532).

(191.8)

MYLES J. AMBROSE,
Commissioner of Customs.

[Published in the Federal Register November 20, 1970 (35 F.R. 17862)]

(T.D. 70-244)

Cotton textiles—Restriction on entry

Restriction on category 63 cotton textile products manufactured or produced in Romania

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 16, 1970.

There is published below the directive of October 30, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the United States of cotton textile products in category 63, manufactured or produced in Romania.

This directive was published in the Federal Register on November 5, 1970 (35 F.R. 17077), by the Interagency Textile Administrative Committee.

(343.3)

MYLES J. AMBROSE,
Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

October 30, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective October 31, 1970, and for the twelve-month period extending through October 30, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 63, produced or manufactured in Romania, in excess of a level of restraint for the period of 210,000 pounds.

In carrying out this directive, entries of cotton textile products in Category 63, produced or manufactured in Romania, which have been exported to the United States from Romania prior to October 31, 1970, shall, to the extent of any unfilled balance, be charged against the level of restraint established for such goods during the period October 31, 1969 through October 30, 1970. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 63 in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582) and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V. 1965-69). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-245)

Cotton textiles—Restriction on entry

**Restriction on certain categories of cotton textiles and cotton textile products
manufactured or produced in Brazil**

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 17, 1970.

There is published below the directive of October 27, 1970, received by the Commissioner of Customs from the President's Cabinet Textile

Advisory Committee concerning the restriction on entry into the United States of cotton textiles and cotton textile products in certain categories manufactured or produced in Brazil. This directive cancels and supersedes directives from that Committee dated December 15, 1969 (T.D. 70-18), December 24, 1969 (T.D. 70-35), April 10, 1970 (T.D. 70-111), June 5, 1970 (T.D. 70-145), and June 16, 1970 (T.D. 70-154).

The directive of October 27, 1970, was published in the Federal Register on October 31, 1970 (35 F.R. 16876), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,

Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE

WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

October 27, 1970.

COMMISSIONER OF CUSTOMS

Department of the Treasury

Washington, D.C. 20226

DEAR MR. COMMISSIONER:

This directive cancels and supersedes the directives issued to you on the following dates by the Chairman, President's Cabinet Textile Advisory Committee, regarding imports of cotton textiles and cotton textile products in the following categories produced or manufactured in the Federative Republic of Brazil:

<i>Date of P.C.T.A.C. Directive</i>	<i>Categories</i>
December 15, 1969	1-4
December 24, 1969	26 (other than duck) ¹
April 10, 1970	31 and 64
June 5, 1970	26 (duck) ¹
June 16, 1970	9 and 19

¹ The T.S.U.S.A. Nos. for duck are:

320.—01 through 04, 06, 08
321.—01 through 04, 06, 08
322.—01 through 04, 06, 08

326.—01 through 04, 06, 08
327.—01 through 04, 06, 08
328.—01 through 04, 06, 08

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of October 23, 1970, between the Governments of the United States and the Federative Republic of Brazil, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning October 1, 1970, and extending through September 30, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 1-4, 9, 18/19 and part of 26 (printcloth), 22/23, 24, part of 26/27 (duck), part of 26/27 (other than printcloth and duck), part of 30/31, 50, 51, 55, and part of 64 produced or manufactured in the Federative Republic of Brazil, in excess of the following levels of restraint:

<i>Category</i>	<i>Twelve-Month Levels of Restraint^a</i>
1-4	6,521,739 pounds
9	12,000,000 square yards
18/19 and part of 26 (printcloth) ³	10,500,000 square yards
22/23	4,500,000 square yards
24	2,000,000 square yards
part of 26/27 (duck) ¹	2,500,000 square yards
part of 26/27 (other than print- cloth and duck) ^{1,3}	6,500,000 square yards
part of 30/31 ⁴	5,747,126 pieces
50	39,332 dozen
51	33,714 dozen
55	13,725 dozen
part of 64 (only T.S.U.S.A. Nos.: 366.6500 and 386.2500)	217,391 pounds

Cotton textiles in Categories 9, 19 and 26 (other than duck)¹ produced or manufactured in the Federative Republic of Brazil shall be subject to this directive regardless of the date of their export from Brazil. Cotton textiles and cotton textile products in any of the other Categories produced or manufactured in the Federative Republic of Brazil and which have been exported prior to October 1, 1970, shall not be subject to this directive.

^a These levels have not been adjusted to reflect any entries made on or after October 1, 1970.

¹ In Category 26, the T.S.U.S.A. numbers for print cloth are:

320.—34 322.—34 327.—34
321.—34 326.—34 328.—34

⁴ All of Categories 30 and 31 except T.S.U.S.A. No. 366.2740.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of October 23, 1970, between the Governments of the United States and the Federative Republic of Brazil which provide, in part, that within the aggregate limit and group limits, the limitations on specific categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles and cotton textile products from the Federative Republic of Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-246)

Tetrahydrofuran

Approval of practice of classification of tetrahydrofuran not derived from benzenoid sources under the provision for other organic compounds * * * other in item 429.95, Tariff Schedules of the United States (TSUS). Complaint of domestic producer of tetrahydrofuran under section 516(b), Tariff Act of 1930, as amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

In a letter of January 27, 1969, pursuant to the provisions of section 516(b), Tariff Act of 1930, as amended, E.I. du Pont de Nemours and Company, which identified itself as a domestic manufacturer of tetrahydrofuran, protested the Bureau ruling contained in T.D. 68-292(9), which classified tetrahydrofuran, if not derived from benzenoid sources, under the provision for other organic compounds: other in item 429.95, TSUS. The domestic manufacturer believed that the product was more specifically provided for under the provision for epoxides and halogenated epoxides: other in item 428.88, TSUS, or the provision for ethers of polyhydric alcohols: other in item 428.46, TSUS.

The domestic manufacturer was advised that in view of T.D. 68-292(9), an established and uniform practice did exist to classify such a product in item 429.95, TSUS. Subsequently, the domestic manufacturer filed a complaint against the rate of duty assessed, submitted that the merchandise should be classifiable in item 428.46, TSUS, and stated that it intended to protest the classification pursuant to section 516(b), Tariff Act of 1930, as amended.

The domestic manufacturer was informed that its complaint had been considered and that the Bureau remained of the opinion that the practice of classifying the above-described tetrahydrofuran under item 429.95, TSUS, is correct.

In accordance with the provisions of section 516(b), Tariff Act of 1930, as amended, notice is hereby given that the named domestic manufacturer has given the notice contemplated by the statute that it desires to protest the classification of tetrahydrofuran not derived from benzenoid sources. However, under section 516(b), Tariff Act of 1930, as amended, the practice will be continued so long as no decision of the United States Customs Court or the United States

Court of Customs and Patent Appeals not in harmony with this decision is published.

(417.0)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved November 16, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register November 24, 1970 (35 F.R. 18003)]

(T.D. 70-247)

Classification of copper tubing, hard covered with tinned copper braid

Decision in C.D. 4029, holding copper tubing, hard covered with tinned copper braid, classifiable under the provision for seamless copper tubing in item 613.02, Tariff Schedules of the United States (TSUS), limited

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 18, 1970.

In *J. E. Bernard & Co., Inc. v. United States*, C.D. 4029 (decided June 4, 1970), the United States Customs Court held that copper tubing, hard covered with tinned copper braid, was classifiable under the provision for seamless copper tubing in item 613.02, TSUS.

The Bureau is of the opinion that the addition of the layer of braid to the tubing advanced it so that it can no longer be regarded as a basic shape or form within the purview of Headnote 1, Part 2, Schedule 6, TSUS. As such, it would be precluded from classification under the provision for tubes in item 613.02, TSUS. Therefore, the decision in C.D. 4029 shall be deemed to be limited to the specific merchandise which was the subject of that decision. Other merchandise of the type involved in that case shall be classified under the provisions of item 657.30, TSUS.

(426.223)

EDWIN F. RAINS,
Acting Commissioner of Customs.

(T.D. 70-248)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 17, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period November 9 through November 13, 1970, rate of \$0.248739.

Denmark krone:

November 9, 1970_____	\$0. 133306
November 10, 1970_____	. 133300
November 12, 1970_____	. 133300
November 13, 1970_____	. 133300

Hong Kong dollar:

For the period October 19 through October 23, 1970, Official rate of \$0.163750. Free rate not available for this period.

Iran rial:

For the period October 26 through October 30, 1970, rate of \$0.0130333.

Philippine peso:

For the period October 26 through October 30, 1970, Official rate of \$0.256410* and the following Free rates:

October 26, 1970_____	\$0. 154500*
October 27, 1970_____	. 154500*
October 28, 1970_____	. 154500*
October 29, 1970_____	. 154166*
October 30, 1970_____	. 154166*

Thailand baht (tical):

For the period October 26 through October 30, 1970, rate of \$0.0478125.

*Certified as nominal rates.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).
(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

(T.D. 70-249)

Administrative review—Customs Regulations revised

Customs Regulations pertaining to fines, penalties, and forfeitures, and to liquidated damages amended; Parts 171 and 172 added

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 6—AIR COMMERCE REGULATIONS

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 11—PACKING AND STAMPING, MARKING; TRADEMARKS AND TRADE NAMES; COPYRIGHTS

PART 12—SPECIAL CLASSES OF MERCHANDISE

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

PART 21—CARTAGE AND LIGHTERAGE

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

PART 25—CUSTOMS BONDS

On July 29, 1970, notice of proposed rule making for a revision of the Customs Regulations pertaining to fines, penalties, and forfeitures, and to liquidated damages was published in the Federal Register (35 F.R. 12124). This revision is part of the general revision of the Customs Regulations.

Interested persons were given 60 days in which to submit written comments, suggestions, or objections regarding the proposed revision. No comments were received.

The proposed new Parts 171 and 172, and the conforming amendments to Chapter I of title 19 of the Code of Federal Regulations are hereby adopted subject to the following changes:

1. In section 8.59, paragraph (j) is amended rather than entirely deleted.
2. Section 25.19 is not deleted from Part 25 of the Customs Regulations.
3. In section 172.22, paragraph (d) is modified to reflect the amendment of its source, section 8.59(j), contained in T.D. 70-218, 35 F.R. 15911.

Parts 171 and 172, and the other amendment to Chapter I, title 19 of the Code of Federal Regulations are adopted as set forth below.

Effective date. These amendments shall become effective 30 days after publication in the Federal Register.

(014.1)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved November 18, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register December 1, 1970 (35 F.R. 18264)]

PART 6—AIR COMMERCE REGULATIONS

1. Section 6.11 is amended by deleting "sections 23.23 to 23.25" in the last sentence and substituting "Part 171".

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

2. Section 8.59 is amended as follows:

Paragraph (i) is amended by substituting "district director" for "collector", and by inserting before the last sentence thereof a new sentence which reads: "Any application for cancellation of liquidated damages incurred shall be made in accordance with the provisions of Part 172 of this chapter."

Paragraph (j) is amended by deleting all but the last sentence thereof.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE,
ETC.

3. In section 10.39, paragraphs (e) and (f) are amended by inserting after the word "filed" in the first sentence the words "as provided in Part 172 of this chapter" and by substituting "district director" for "collector" each time it appears.

4. In section 10.92, paragraph (d) is amended by substituting "district director" for "collector", and by adding at the end thereof a new sentence as follows: "Application for cancellation of the liquidated damages incurred shall be made in accordance with the provisions of Part 172 of this chapter."

PART 11—PACKING AND STAMPING, MARKING; TRADEMARKS AND TRADE
NAMES; COPYRIGHTS

5. In section 11.11, paragraph (d) is amended by inserting after "filed" in the first sentence the words "as provided in Part 172 of this chapter" and by substituting "district directors" for "collectors" and "district director" for "collector".

PART 12—SPECIAL CLASSES OF MERCHANDISE

6. Section 12.38 is amended by deleting the material in parentheses at the end thereof, and substituting "(see section 171.22(b) of this chapter)".

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

7. In section 18.8, paragraph (d) is amended by inserting after the words "payment thereof" the words "filed as provided in Part 172 of this chapter" and by substituting "district director" for "collector" each time the word appears.

PART 21—CARTAGE AND LIGHTERAGE

8. In section 21.8, paragraph (e) is amended by substituting "district director" for "collector" and by adding at the end thereof a new sentence as follows: "Application for cancellation of liquidated damages incurred shall be made in accordance with the provisions of Part 172 of this chapter."

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

9. In section 23.23, paragraph (c) is amended by deleting all but the first sentence, and paragraphs (d) and (e) are deleted.

10. Part 23 is amended by deleting therefrom sections 23.24, 23.25, and 23.34.

PART 25—CUSTOMS BONDS

11. In section 25.15, paragraph (e) is amended by inserting after "application for relief" the words "in accordance with the provisions of Part 172 of this chapter".

12. Section 25.17 is amended by deleting paragraphs (a), (b), (e), (g), and (h).

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 171—FINES, PENALTIES, AND FORFEITURES

171.0 Scope.

Subpart A—General Provisions

171.1 Limitations on consideration of petitions.

Subpart B—Application for Relief

171.11 Petition for relief.

171.12 Filing of petition.

171.13 Additional evidence required with certain petitions.

Subpart C—Action on Petitions

171.21 Petitions acted on by district director.

171.22 Special cases acted upon by district director.

Subpart D—Disposition of Petitions

171.31 Act or omission did not occur.

171.32 Limitation on time decision effective.

171.33 Supplemental petitions for relief.

Subpart E—Restoration of Proceeds of Sale

171.41 Application of provisions for petitions for relief.

171.42 Time limit for filing petition for restoration.

171.43 Evidence required.

171.44 Forfeited property authorized for official use.

Authority: The provisions of this Part 171 issued under R.S. 251, secs. 618, 624, 46 Stat. 757, as amended, 759; 19 U.S.C. 66, 1618, 1624. The provisions of subpart C also issued under sec. 1, 40 Stat. 223, as amended, R.S. 5294, as amended, sec. 9, 24 Stat. 81, as amended; 22 U.S.C. 401, 46 U.S.C. 7, 320.

171.0 Scope.—This part contains provisions relating to filing of petitions and action upon petitions for relief from fines, penalties, and forfeitures incurred, and petitions for the restoration of proceeds from sale of seized and forfeited property.

SUBPART A—GENERAL PROVISIONS

171.1 Limitations on consideration of petitions.—(a) *Case referred for institution of legal proceedings.* No action shall be taken on any petition if the civil liability has been referred to the United States attorney for institution of legal proceedings. The petition shall be forwarded to the United States attorney.

(b) *Vessel or vehicle awarded for official use.* When a vessel or vehicle is awarded for official use, a petition shall not be considered unless:

- (1) It is filed before final disposition of the property is made; or
- (2) It is a petition for restoration of proceeds of sale filed in accordance with subpart E.

SUBPART B—APPLICATION FOR RELIEF

171.11 Petition for relief.—(a) *To whom addressed.* Petitions for the remission or mitigation of a fine, penalty, or forfeiture incurred under any law administered by the Bureau of Customs shall be addressed to the Commissioner of Customs.

(b) *Signature.* The petition for remission or mitigation shall be signed by the petitioner. If the petitioner is a corporation, the petition shall be signed by an officer thereof.

(c) *Form.* The petition for remission or mitigation need not be in any particular form. It shall set forth the following:

- (1) A description of the property involved;
- (2) The date and place of the violation or seizure; and
- (3) The facts and circumstances relied upon by the petitioner to justify the remission or mitigation.

(d) *Petition for relief from forfeiture.* When the petition is for relief from a forfeiture, it shall show the interest of the petitioner in the property and in appropriate cases shall be supported by bills of sale, contracts, mortgages, or other satisfactory evidence.

(e) *False statement in petition.* A false statement contained in a petition may subject the petitioner to prosecution under the provisions of 18 U.S.C. 1001.

171.12 Filing of petition.—(a) *Where filed.* A petition for relief shall be filed with the district director for the district in which the property was seized or the fine or penalty imposed.

(b) *When filed.* Petitions for relief shall be filed within 60 days from the date of mailing of the notice of fine, penalty, or forfeiture incurred, unless additional time has been authorized as provided in section 23.23 (c) of this chapter.

(c) *Number of copies.* The petition shall be filed in triplicate.

171.13 Additional evidence required with certain petitions.—

(a) *Seized property in possession of another responsible for act.* If the seized property was in the possession of another who was responsible for or caused the act which resulted in the seizure, evidence shall be produced by the petitioner as to the manner in which the property came into the possession of such other person. The petitioner shall also submit evidence that prior to parting with the property he did not know, nor have reasonable cause to believe, that the property would be used to violate Customs or other laws, and that he did not know or have reason to believe that the violator had a criminal record or general reputation for commercial crime. In the case of a family member having an interest in property seized while in possession of another family member, evidence shall be submitted that the petitioning family member did not know or have reason to know that the property was likely to be used in the act which resulted in the seizure.

(b) *Petitioner holding chattel mortgage or conditional sales contract.* A petitioner holding a chattel mortgage or conditional sales contract covering the seized property shall submit with his petition evidence showing that:

(1) He has an interest in such property, as owner or otherwise, which he acquired in good faith;

(2) He had at no time any knowledge or reason to believe that the property was being or would be used in violation of Customs or other laws of the United States; and

(3) Whether prior to the financial transaction an inquiry of at least one enforcement agency in the locality where the purchaser most recently resided, or resided in the past year, was made as to the purchaser's criminal record and reputation for commercial crime, and a responsive reply received.

SUBPART C—ACTION ON PETITIONS

171.21 Petitions acted on by district director.—In the following cases the district director may mitigate or remit fines, penalties, and forfeitures incurred under any law administered by the Bureau of Customs on such terms and conditions as, under the law and in view of the circumstances, he shall deem appropriate:

(a) *\$2,000 or less.*

(1) Fines and other pecuniary penalties aggregating \$2,000 or less in respect of any one offense;

(2) Forfeiture of imported merchandise or a claim for forfeiture value in lieu thereof when the merchandise is valued at \$2,000 or less;

(3) Forfeiture of merchandise other than imported merchandise when the merchandise is valued at \$2,000 or less, and no liability out-

side the purview of any other provision of this section has been incurred in connection with the same offense.

(b) *Over \$2,000 but not over \$20,000.* Penalty and forfeiture incurred under section 497, Tariff Act of 1930 (19 U.S.C. 1497), for failure to declare merchandise valued at more than \$2,000 but not over \$20,000, if the failure to declare is a first offense and involves a noncommercial importation. Where undeclared merchandise is valued at \$2,000 or less, the provisions of subparagraphs (a)(1) and (2) apply.

(c) *Not over \$20,000.*

(1) Forfeiture of motor vehicles, other than imported motor vehicles, valued at \$20,000 or less, and no liability outside the purview of any other provision of this section has been incurred in connection with the same offense;

(2) Penalties and forfeitures, aggregating not over \$20,000 in any one case and incurred under section 460, Tariff Act of 1930, as amended (19 U.S.C. 1460), for failure to report arrival as required by section 459, Tariff Act of 1930, as amended (19 U.S.C. 1459), in the following cases:

(i) Violations due to ignorance of the reporting requirements or due to inadvertence and either no merchandise, or only typical personal or souvenir merchandise which would have been free of duty, if entered, is carried in the vessel or vehicle, or

(ii) Where the violation is the first offense, although not due to ignorance or inadvertence, and no intended commercial use or threat to the revenue is involved.

(d) *Amount of penalty not specified.* Penalties imposed under title 13, United States Code, section 304, and in the amounts prescribed by title 15, Code of Federal Regulations, section 30.24, for the failure to timely file the complete manifest of the carrier when required and all the required shipper's export declarations, when clearance or permission to depart prior to the filing thereof is granted upon the filing of the required bond.

171.22 Special cases acted upon by district director.—(a) *Forfeitures of merchandise illegally transported coastwise.* Forfeiture of merchandise under title 46, United States Code, section 883, for having been illegally transported coastwise, regardless of the value of the merchandise, may be remitted if the petition for relief establishes to the satisfaction of the district director that the violation occurred as a direct result of an arrival of the transporting vessel in distress.

(b) *Forfeiture of imported liquor or compound.* When any package of or package containing any spirituous, vinous, malted, or other fermented liquor, or any compound containing any spirituous, vinous,

malted, or other fermented liquor fit for use for beverage purposes, or any vessel or vehicle in which the same has been transported has become subject to forfeiture under the provisions of 18 U.S.C. 3615, for noncompliance with 18 U.S.C. 1263, and the United States attorney has advised the district director that there is not sufficient evidence of intent to violate the law to warrant criminal prosecution thereunder, the forfeiture incurred shall be remitted pursuant to the authority of section 7327, Internal Revenue Code of 1954 (26 U.S.C. 7327), and section 618, Tariff Act of 1930 (19 U.S.C. 1618), upon the condition that the expenses of seizure, if any, shall be paid.

(c) *Claim for property stolen in Canada and seized by United States Customs.* Under the provisions of Executive Order 4306, dated September 19, 1925 (T.D. 41110), any person claiming to be the owner of property stolen in Canada, brought into the United States and seized by Customs authorities for violation of law, may file with the district director having custody of the property a petition for its release, addressed to the Secretary of the Treasury. The petition shall be supported by evidence of ownership in the claimant and shall contain a waiver and release of all possible claims against the United States or any officer thereof for compensation or damages incident to the seizure and detention of the property. If the district director is satisfied that the claimant is the owner of the property and that it was brought into the United States without collusion on the part of the claimant, the district director may release the property for return to Canada upon the payment of all expenses incident to its seizure and detention. In the event of conflicting claims for the property or any doubt as to the claimant's interest in or right to the property, the district director shall submit the matter to the Commissioner of Customs for decision.

SUBPART D—DISPOSITION OF PETITIONS

171.31 Act or omission did not occur.—If it is definitely determined that the act or omission forming the basis of a penalty or forfeiture claim did not in fact occur, the claim shall be canceled by the district director. When the determination of whether or not the claim was erroneously made depends upon a construction of law, the claim shall not be canceled without the approval of the Commissioner of Customs unless there is in force a ruling by the Commissioner of Customs decisive of the issue.

171.32 Limitation on time decision effective.—A decision to mitigate a penalty or to remit a forfeiture upon condition that a stated amount is paid shall be effective for not more than 60 days from the date of notice to the petitioner of such decision, unless the decision

itself prescribes a different effective period or the decision is later amended to change the effective period. If payment of the stated amount is not received within the effective period, or arrangements made for delayed payment or installment payments, or a supplemental petition filed within the effective period, the full penalty or forfeiture shall be deemed applicable and shall be enforced by promptly referring the matter to the United States attorney for appropriate attention, unless other action has been directed by the Commissioner of Customs.

171.33 Supplemental petitions for relief.—(a) *Time and place of filing.* If the petitioner is not satisfied with a decision of the district director or the Commissioner of Customs, a supplemental petition may be filed with the district director. Such a petition shall be filed either:

(1) Within 60 days from the date of notice to the petitioner of the decision on the initial petition for relief if no effective period is prescribed in the decision; or

(2) Within the time prescribed in the decision on the initial petition for relief as the effective period of the decision.

(b) *Consideration.* Where the district director has the authority to grant relief or additional relief in accordance with section 171.21, he may grant such relief if he believes it is warranted and there has been no specific request for review by the Commissioner of Customs. In all other cases, the supplemental petition, together with all pertinent documents, shall be forwarded to the Commissioner of Customs for reconsideration of the case.

SUBPART E—RESTORATION OF PROCEEDS OF SALE

171.41 Application of provisions for petitions for relief.—The general provisions of subpart B on filing and content of petitions for relief apply to petitions for restoration of proceeds of sale except insofar as modified by this subpart.

171.42 Time limit for filing petition for restoration.—A petition for the restoration of proceeds of sale under section 613, Tariff Act of 1930, as amended (19 U.S.C. 1613), shall be filed within 3 months after the date of the sale.

171.43 Evidence required.—In addition to such other evidence as may be required under the provisions of subpart B, the petition for restoration of proceeds of sale under section 613, Tariff Act of 1930, as amended (19 U.S.C. 1613), shall show the interest of the petitioner in

the property, supported in appropriate cases by bills of sale, contracts, mortgages, or other satisfactory documentary evidence. The petition shall be supported by satisfactory proof that the petitioner did not know of the seizure prior to the declaration or decree of forfeiture and was in such circumstances as prevented him from knowing of it.

171.44 Forfeited property authorized for official use.—If forfeited property the subject of a claim under section 613, Tariff Act of 1930, as amended (19 U.S.C. 1613), has been authorized for official use, retention or delivery shall be regarded as the sale thereof for the purposes of section 613. The appropriation available to the receiving agency for the purchase, hire, operation, maintenance, and repair of property of the kind so received is available for the granting of relief to the claimant and for the satisfaction of liens for freight charges and contributions in general average that may have been filed. (Secs. 305, 306, 49 Stat. 880; 40 U.S.C. 304j, 304k)

PART 172—LIQUIDATED DAMAGES

172.0 Scope.

Subpart A—General Provisions

172.1 Notice of liquidated damages incurred and right to petition for relief.

172.2 Failure to petition for relief.

Subpart B—Application for Relief

172.11 Petition for relief.

172.12 Filing of petition for relief.

Subpart C—Action on Petitions

172.21 Petitions acted on by district director of Customs.

172.22 Special cases acted on by district director of Customs.

172.23 Limitations on consideration of petitions.

Subpart D—Disposition of Petitions

172.31 Act or omission did not occur.

172.32 Limitation on time decision effective.

172.33 Supplemental petitions for relief.

Authority: The provisions of this Part 172 issued under R.S. 251, secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 66, 1623, 1624.

172.0 Scope.—This part contains provisions relating to the giving of notice of liquidated damages incurred under the terms of any bond posted with Customs, the filing of petitions for relief from liquidated damages incurred, and the consideration of such petitions.

SUBPART A—GENERAL PROVISIONS

172.1 Notice of liquidated damages incurred and right to petition for relief.—(a) *Notice of liquidated damages incurred.* When there is a failure to meet the conditions of any bond posted with Customs, the principal shall be notified in writing of any liability for liquidated damages incurred by him and a demand shall be made for payment. The sureties on such bond shall also be advised in writing, at the same time as the principal, of the liability for liquidated damages incurred by the principal.

(b) *Notice of right to petition for relief.* The notice shall also inform the principal and his sureties on the bond that application may be made for relief from payment of liquidated damages under section 623(c), Tariff Act of 1930, as amended (19 U.S.C. 1623(c)), or any other applicable statute authorizing the cancellation of any bond or of any bond charge that may have been made against such bond.

172.2 Failure to petition for relief.—(a) *Referral of claim to United States attorney.* If the parties liable for liquidated damages incurred fail to petition for relief or to pay or make arrangements to pay the liquidated damages within 60 days from the date of mailing of the notice of the liquidated damages incurred as provided for in section 172.1, or within such additional time as may have been granted, the district director of Customs shall refer the claim immediately to the United States attorney for collection.

(b) *Absence from the United States.* If it appears that the parties liable for liquidated damages are absent from the United States or during the 60-day period referred to in paragraph (a) were absent for more than 30 days, the district director may withhold such referral for a reasonable time unless other action is expressly authorized by the Commissioner of Customs.

SUBPART B—APPLICATION FOR RELIEF

172.11 Petition for relief.—(a) *To whom addressed.* Petitions for relief shall be addressed to the Commissioner of Customs.

(b) *Form.* A petition for relief need not be in any particular form. Such petition shall set forth the facts relied upon by the petitioner to justify cancellation of the claim for liquidated damages, and shall be signed by the petitioner. If the petitioner is a corporation, the petition shall be signed by an officer thereof.

172.12 Filing of petitions for relief.—(a) *Where filed.* A petition for relief shall be filed with the district director of Customs for the district in which the liability for liquidated damages is incurred.

(b) *When filed.* A petition for relief shall be filed within 60 days from the date of mailing of the notice of the liability for liquidated damages incurred unless an extension of such period has been granted by the district director.

(c) *Number of copies.* The petition for relief shall be filed in triplicate.

SUBPART C—ACTION ON PETITIONS

172.21 Petitions acted on by district director of Customs.—In the following cases the district director of Customs may cancel any claim for liquidated damages incurred on such terms and conditions as, under the law and in view of the circumstances, he shall deem appropriate:

(a) *Under \$500.* Liquidated damages under \$500, incurred under the terms of any bond posted with Customs.

(b) *Not over \$20,000.*

(1) Claims for liquidated damages not exceeding \$20,000 incurred for violation of the conditions of bonds taken pursuant to schedule 8, part 5C, Tariff Schedules of the United States. (See sections 10.39 (e) and (f) of this chapter.)

(2) Claims for liquidated damages not exceeding \$20,000 incurred for violation of the conditions of bonds taken pursuant to schedule 3, part 1C, headnote 4, Tariff Schedules of the United States. (See section 10.92 of this chapter.)

(3) Claims for liquidated damages not exceeding \$20,000 in cases involving only country of origin marking under section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304). (See section 11.11 (d) of this chapter.)

(4) Claims for liquidated damages not exceeding \$20,000 incurred for violation of the conditions of bonds taken pursuant to section 18.1 of this chapter. (See section 18.8(d) of this chapter.)

(5) Claims for liquidated damages not exceeding \$20,000 incurred for violation of the conditions of cartmen's and lightermen's bonds taken pursuant to section 21.1 of this chapter. (See section 21.8 (e) of this chapter.)

172.22 Special cases acted on by district director of Customs.—

(a) *Nonproduction of documents in general.* District directors of Customs are hereby authorized to treat any bond charge for the production of a missing document as satisfied upon payment by the

principal or surety of the sum of \$25 as liquidated damages for each missing declaration of the consignee or other document, except shippers' export declarations, special Customs and commercial invoices, and certificates of origin and certificates of reexport required under section 12.70 of this chapter, not produced within the time prescribed by law or regulations or any lawful extension of such time.

(b) *Nonproduction of special Customs or commercial invoices.* When a required special Customs or commercial invoice is not produced on the date of entry or within 6 months thereafter, unless such production is waived under the provisions of section 8.15(d) of this chapter, the bond charge for the production thereof may be canceled by the district director upon the payment of \$25 as liquidated damages, if:

(1) The party who made the entry submits an application for relief explaining in detail why the special Customs or commercial invoice could not be produced within the prescribed period; and

(2) The district director of Customs is satisfied by such application or otherwise that the failure to produce the invoice within the prescribed period was due to causes wholly beyond the control of the party making the entry and not to any purpose of the foreign seller or shipper to withhold information required by law, regulation, or special instruction to be shown on the invoice.

(c) *Nonproduction of free-entry or reduced-duty documents.* When free entry or the application of a reduced rate of duty is dependent upon the production of a document which the importer fails to produce, or when a conditionally free or reduced-duty provision claimed on entry is held to be inapplicable, the claim for free entry or reduced rate of duty shall be treated by the district director as abandoned upon the assessment and payment of duty and the bond given for the production of the free-entry or reduced-duty document may be canceled without the collection of liquidated damages.

(d) *Failure to file timely entry under immediate delivery procedure.* When a timely entry for merchandise not subject to quota has not been filed after release under a special permit for immediate delivery, the district director may act upon an application for relief from liquidated damages assessed in accordance with section 8.59(i) of this chapter as follows:

(1) If he is satisfied that the delay was not deliberate, the district director may cancel such liquidated damages upon the payment of an appropriate sum which shall not exceed 10 percent of the duty assessed but not less than \$25. In general, the district director shall not cancel a claim for liquidated damages upon payment of an amount in the lower range of his discretion if the entry is late by more than 3

working days. In determining the appropriate amount the district director shall take into consideration the following:

- (i) the circumstances causing the delay;
- (ii) the extent of the lateness;
- (iii) the amount of duty involved; and
- (iv) the past record of the importer with respect to the timeliness of filing entries.

(2) If he is satisfied that the violation was incurred solely because of a delay in the return by Customs to the importer of documents necessary to make entry, the district director may cancel such liquidated damages without payment.

(3) If collection of an amount greater than that provided by this paragraph appears warranted the case shall be forwarded to the Commissioner of Customs for disposition.

172.23 Limitations on consideration of petitions.—No action looking to relief from the payment of full liquidated damages shall be taken on any petition, irrespective of the amount involved, if the claim has been referred to the United States attorney for collection as provided in section 172.2.

SUBPART D—DISPOSITION OF PETITIONS

172.31 Act or omission did not occur.—If it is definitely determined that the act or omission forming the basis for a claim for liquidated damages did not in fact occur, the claim shall be canceled by the district director. When the determination of whether or not the claim was erroneously made depends upon a construction of law, the claim shall not be canceled without the approval of the Commissioner of Customs, unless there is in force a ruling decisive of the issue.

172.32 Limitation on time decision effective.—A decision to cancel a claim for liquidated damages on condition that a stated amount be paid shall be effective for not more than 60 days from the date of notice to the parties of such decision, unless the decision itself prescribes a different effective period or the decision is later amended to change the effective period. If payment of the stated amount is not made, or arrangements made for delayed payment or installment payments, or a supplemental petition filed within the effective period, the full claim for liquidated damages shall be deemed applicable and shall be promptly referred to the United States attorney for collection, unless other action has been directed by the Commissioner of Customs.

172.33 Supplemental petitions for relief.—(a) *Time and place of filing.* If the interested parties are not satisfied with a decision of the district director or the Commissioner of Customs, a supplemental

petition may be filed with the district director of Customs by the interested parties. Such a petition shall be filed either:

(1) Within 60 days from the date of notice to the petitioner of the decision on the initial petition for relief if no effective period is prescribed in the decision; or

(2) Within the time prescribed in the decision on the initial petition for relief as the effective period of the decision.

(b) *Consideration.* Where the district director of Customs has authority to grant relief in accordance with the provisions of section 172.21, he may grant additional relief if he believes it is warranted and there has been no specific request for reconsideration by the Commissioner of Customs. In all other cases, the supplemental petition, together with all pertinent documents, shall be forwarded to the Commissioner of Customs for reconsideration of the case.

Annex to Revised Parts 171 and 172

Parallel Reference Table

(This table shows the relation of sections in revised Part 171 to 19 CFR Part 23)

<i>Revised Section</i>	<i>Superseded Section</i>
171.0	None
171.1(a)	23.23(d)
171.1(b)	23.23(c)
171.11	23.24(a)
171.11(e)	None
171.12(a)	23.24(a)
171.12(b)	23.23(c)
171.12(c)	23.24(a)
171.13(a)	23.24(a)
171.13(b)	23.24(b)
171.21	23.25(a)
171.22(a)	23.25(b)
171.22(b)	23.25(c)
171.22(c)	23.34(a) & (b)
171.31	23.25(e)
171.32	23.23(c)
171.33	23.25(d)
171.41	None
171.42	23.24(c)
171.43	23.24(c)
171.44	23.24(d)

(This table shows the relation of sections in revised Part 172 to 19 CFR Chapter I.)

<i>Revised Section</i>	<i>Superseded Section</i>
172.0	None
172.1	None
172.2(a)	25.15(e)
172.2(b)	None
172.11(a)	None
172.11(b)	None
172.12(a)	None
172.12(b)	None
172.12(c)	None
172.21	None
172.21(a)	25.17(g)
172.21(b)	10.39(e) & (f) 10.92(d), 11.11(d), 18.8(d), 21.8(c)
172.22(a)	25.17(a)
172.22(b)	25.17(b)
172.22(c)	25.17(c)
172.22(d)	8.59(j)
172.23	None
172.31	25.19
172.32	None
172.33	25.17(h)

(T.D. 70-250)

Supplies and equipment for aircraft—Customs Regulations amended

Section 10.59(f), Customs Regulations, relating to free withdrawal of supplies and equipment for aircraft, amended to delete "Not applicable to ground equipment" opposite Jamaica in the list of qualified countries

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER 1—BUREAU OF CUSTOMS

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

In accordance with section 309(d), Tariff Act of 1930, as amended (19 U.S.C. 1309(d)), the Department of Commerce has found and

under date of October 8, 1970, has advised the Treasury Department that with respect to ground equipment also Jamaica allows privileges to aircraft registered in the United States and engaged in foreign trade substantially reciprocal to those provided for in section 309 of the Tariff Act of 1930, as amended (19 U.S.C. 1309). Corresponding privileges are accordingly hereby extended to aircraft registered in Jamaica and engaged in foreign trade effective on the date of such notification.

Accordingly, paragraph (f) of section 10.59, Customs Regulations, is amended by adding opposite "Jamaica" in the column headed Treasury Decision(s) the number of this Treasury decision and deleting "Not applicable to ground equipment" in the column headed "exception, if any, as noted" in the list of nations in that paragraph.

(Secs. 317, 624, 46 Stat. 696, as amended, 759; 19 U.S.C. 1317, 1624).
(235)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved November 18, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register December 3, 1970 (35 F.R. 18369)]

(T.D. 70-251)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 25, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period November 16 through November 20, 1970,
rate of \$0.248739.

Denmark krone:

November 16, 1970-----	\$0.133309
November 17, 1970-----	.133321
November 18, 1970-----	.133362
November 19, 1970-----	.133346
November 20, 1970-----	.133362

Hong Kong dollar:

For the period October 26 through October 30, 1970, Official rate of \$0.163750. Free rate not available.

Iran rial:

For the period November 2 and November 4 through November 6, 1970, official rate of \$0.256410* and Free rate of

Philippine peso:

For the period November 2 and November 4 through November 6, 1970, official rate of \$0.256410* and Free rate of \$0.154166*.

Thailand baht (tical):

For the period November 2 and November 4 through November 6, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rates.

(T.D. 70-252)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., December 1, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period November 23 through November 27, 1970, rate of \$0.248364.

Denmark krone:

November 23, 1970.....	\$0. 133416
November 24, 1970.....	. 133443
November 25, 1970.....	. 133456
November 26, 1970.....	Holiday
November 27, 1970.....	. 133504

Hong Kong dollar:

For the period November 2 through November 6, 1970, Official rate of \$0.163750 and the following Free rates:

November 2, 1970.....	\$0. 164271
November 3, 1970.....	Holiday
November 4, 1970.....	. 164271
November 5, 1970.....	. 164338
November 6, 1970.....	. 164304

Iran rial:

For the period November 9 and 10 and November 12 and 13, 1970, rate of \$0.0130333.

Philippine peso:

For the period November 9 and 10 and November 12 and 13, 1970, Official rate of \$0.256410* and Free rate of \$0.154166*.

Thailand baht (tical):

For the period November 9 and 10 and November 12 and 13, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rates.

(T.D. 70-253)

Reimbursable services—Customs Regulations amended

Section 24.16(f) Customs Regulations, relating to computation of overtime services rendered in broken periods, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Notice was published in the Federal Register of June 2, 1970 (35 F.R. 8499), that it was proposed to amend section 24.16(f) of the Customs Regulations to provide a uniform method of computing customs overtime services when rendered in broken periods at night or on a Sunday or holiday. After careful consideration of all relevant data, views, and arguments submitted regarding the proposed rule making, the proposal is adopted as published with the following minor change:

Each time an employee is assigned and reports for overtime duty on a weekday or on a Sunday or a holiday constitutes a separate broken period even though no services, or services of less than one hour, are actually rendered on such assignment.

Accordingly, section 24.16(f) is amended to read as follows:

§ 24.16 Overtime services; overtime compensation; rate of compensation

* * * * *

(f) *Broken periods.*—When overtime services at night or on a Sunday or holiday are rendered in broken periods, the actual time each assignment began and ended shall be reported. Overtime services rendered in such broken periods shall be treated as though the services had been continuous except when the total of the compensation computed separately for each such period in accordance with the provisions of paragraphs (g) and (h) of this section is less than when computed as though the services had been considered continuous. For purposes of computing compensation, each time an employee is assigned and reports for overtime duty on a weekday or on a Sunday or holiday constitutes a separate broken period even though no services, or services of less than one hour, are actually rendered on such assignment. In no case shall em-

ployee be entitled to receive more than 2½ days' pay by reason of the fact that he is given two or more assignments during one night.

* * * * *

This amendment shall become effective 30 days after publication of this amendment in the Federal Register.

(Sec. 5, 36 Stat. 901, as amended, secs. 451, 624, 46 Stat. 715, as amended, 759; 19 U.S.C. 267, 1451, 1624)

(129.15)

MYLES J. AMBROSE,
Commissioner of Customs.

Approved November 30, 1970:

EUGENE T. ROSSIDES,

Assistant Secretary of the Treasury.

[Published in the Federal Register December 10, 1970 (35 F.R. 18736)]

(T.D. 70-254)

Abstracts of Bureau decisions

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., December 7, 1970.

The following abstracts of Bureau of Customs decisions of general interest are published as a matter of information and guidance.

(133.121)

RAYMOND E. TURNER,
Acting Assistant Commissioner,
Office of Regulations and Rulings.

AIRCRAFT AND VESSEL SUPPLIES AND EQUIPMENT

T.D. 70-254(1) . Galley dollies.—Galley dollies the property of a foreign air carrier remaining at the airport where used to transport ovens, food trays, and food, including alcoholic beverages, from the airport flight kitchen to only aircraft of that carrier qualified under section 1309 (a) (3) and (d), title 19, United States Code, may be withdrawn as ground equipment duty and tax free under that statute. Bureau letter dated October 29, 1970. (235)

LIABILITY OF VESSEL ENTRY BOND FOR FOREIGN VESSEL REPAIRS

T.D. 70-254(2) *Bond posted for vessel's entry includes obligation for duty on foreign vessel repairs.*—When a vessel agent posts his Vessel, Vehicle, or Aircraft Bond, to cover entry of a vessel, all conditions of the bond are obligated and obligation is not limited to cover only those transactions identified on Customs Form 3171, Application Permit-Special License Unlading-Lading-Overtime Services, filed by the agent at the time of entry. The condition of the bond to pay any duties found legally due the United States includes duty due on foreign vessel repairs under section 257, title 19, United States Code, limited to the face value of the bond. Bureau letter dated October 16, 1970. (212.6)

TARIFF CLASSIFICATION

T.D. 70-254(3) *Articles for preparing, serving, or storing food or beverages, or food or beverage ingredients, of rubber or plastics. Cups, collapsible.*—Plastic collapsible cup having a lift-off type cover with a pill container in the cover, classifiable under the provision for other articles of plastics, chiefly used for preparing, serving, or storing food or beverages, in *item 772.15*, TSUS. C.D. 3880, cited. T.D. 68-66 (2), modified accordingly. Bureau letter dated November 17, 1970. (418.44)

T.D. 70-254(4) *Articles for preparing, serving, or storing food or beverages, or food or beverage ingredients, of rubber or plastics. Nested tumbler set.*—A nested tumbler set consisting of six nested milky white fairly flexible plastic tumblers ranging in height from approximately $2\frac{3}{4}$ inches to $3\frac{1}{2}$ inches and in diameter from approximately 2 inches to $2\frac{3}{4}$ inches, classifiable under the provision for other articles of plastics, chiefly used for preparing, serving, or storing food or beverages in *item 772.15*, TSUS. C.D. 3880, cited. Bureau letter dated November 17, 1970. (418.44)

T.D. 70-254(5) *Articles nspf, of plastics. Street lighting refractors.*—Street lighting refractors made of clear translucent molded polycarbonate, an unbreakable thermoplastic, classifiable under the provision for other articles nspf, of plastics, in *item 774.60*, TSUS. Bureau letter dated November 4, 1970. (418.44)

T.D. 70-254(6) *Articles nspf, of plastics. Trays and waste baskets.*—Letter trays and waste paper baskets made from rigid polystyrene plastic in various colors or wood grain finish, classifiable under the provision for other articles nspf, of plastics, in *item 774.60*, TSUS. Bureau letter dated November 6, 1970. (418.44)

T.D. 70-254(7) *Articles of carbon or graphite. Carbon Paste.*—Carbon paste (metallurgical coke, ramming paste) consisting essentially of carbon, with tar (pitch) and anthracite, in granular and lump form, and used in forming cathode blocks for electrolytic reduction of aluminum, is classifiable as an article nsfp of carbon or graphite, in *item 517.91*, TSUS, and not as a carbon or electrode in *item 517.61*, TSUS, since it is not a finished carbon block. Bureau letter dated October 30, 1970. (445.56)

T.D. 70-254(8) *Cheese. Gruyere-process cheese.*—Pasteurized processed cheese made with Samsøe (a Swiss or Emmenthaler cheese) is classifiable under the provision for Gruyere-process cheese in *item 117.60*, TSUS. Bureau letter dated October 15, 1970. (452.53)

T.D. 70-254(9) *Cheese. Hard grating cheese.*—A hard grating cheese made from cow's milk which is labeled "Hard Grating Cheese" and conforms to the standards of identity for such cheese set out in 21 CFR 19.680, is classifiable as an other cheese in *item 117.85*, TSUS. The quota status of such merchandise is based on purchase price and, if over 47 cents per pound, is not subject to the quotas set out in *item 950.10D* of the Appendix to the Tariff Schedules. Bureau letter dated November 19, 1970. (452.53)

T.D. 70-254(10) *Edible preparations, nsfp. Soybean protein concentrates.*—Soybean protein concentrates in both granular and powdered form manufactured from defatted soybeans and to be used for various edible purposes including as a meat extender, are classifiable under the provision for other edible preparations, nsfp, in *item 182.25*, TSUS. Bureau letter dated October 29, 1970. (462.5112)

T.D. 70-254(11) *Electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus. Color separating machines.*—Electronic color separating machines, which operate by passing objects to be sorted in view of photo-electric cells pre-set to be affected by objects which are darker than color of desired product, which activate an air jet causing the undesirable object to be rejected, are classifiable under the provision for electrical measuring, checking, analyzing, or automatically-controlling instruments or apparatus, in *item 712.49*, TSUS. Bureau letter dated November 23, 1970. (434.1)

T.D. 70-254(12) *Electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus. Dispensing and diluting system.*—Laboratory dispensing and diluting system, consisting of several motorized syringes attached via flexible tubing to a hand control and probe, for collecting from or ejecting into test tubes measured amounts of fluids, classifiable under the provision for electrical measuring, checking, analyzing, or automatically-controlling in-

struments and apparatus, in *item 712.49, TSUS*. Bureau letter dated November 4, 1970. (426.846)

T.D. 70-254(13) *Electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus. Drafting equipment, automated.*—Automated drafting equipment for reproducing drawings used in such fields as surveying, cartography, and engineering, and which uses coded digital information on such input media as magnetic or paper tape, classifiable under the provision for automatically-controlling instruments and apparatus in *item 712.49, TSUS*. Bureau letter dated November 3, 1970. (431.5)

T.D. 70-254(14) *Electrical measuring, checking, analyzing, or automatically-controlling instruments and apparatus. Speed checker, camera shutter.*—Speed checker for measuring the shutter speeds of focal plane and leaf-type shutters of cameras, which is an adaptation of an exposure meter and uses a standard 60 cycle current, and which uses no optical components, classifiable under the provision for electrical measuring, checking, analyzing instruments in *item 712.49, TSUS*. Bureau letter dated October 29, 1970. (426.846)

T.D. 70-254(15) *Fabrics, laminated. Upholstery material.*—Upholstery material, consisting of an outer layer of knit polyamide fabric, a middle layer of foamed plastic, and a knit backing of either a cotton and rayon blend or of cotton only, is classifiable under the provision for knit fabrics, of textile materials, laminated with plastics, in *item 355.65, 355.81, or 355.82, TSUS*, according to the component textile fiber in chief value and the relative weight of the plastic foam to the textile material. Bureau letter dated November 5, 1970. (474.5)

T.D. 70-254(16) *Furniture nspf. Display rack, floor-standing.*—Floor-standing display rack made of steel wire classifiable as other furniture nspf, in *item 727.55 TSUS*, since it comes within the definition of furniture in *Headnote 1, Schedule 7, Part 4, Subpart A, TSUS*. T.D. 56190(8) and T.D. 56490(61), noted and distinguished. Bureau letter dated November 27, 1970. (426.89)

T.D. 70-254(17) *Household articles nspf, of plastics. Shovel, snow.*—Snow shovel in chief value of plastic, chiefly used in areas adjacent to private homes, is classifiable under the provision for household articles nspf, of plastics, in *item 772.15, TSUS*. Bureau letter dated November 23, 1970. (424.24)

T.D. 70-254(18) *Illuminating articles of base metal. Fog lamps.*—Following the principle enunciated in C.D. 4044, quartz-halogen fog lamps and long-range driving lamps designed to be mounted on automobiles, entered for consumption or withdrawn from warehouse for consumption after 30 days from the date of publication of C.D. 4044

in the weekly Customs Bulletin, will be classifiable under the provision for illuminating articles of base metal, in *item 653.39*, TSUS, rather than under the provision for electric lighting equipment designed for motor vehicles, in *item 683.65*, TSUS. C.D. 1, C.D. 623, and section 16.10(e), Customs Regulations, also noted. Bureau letter dated August 27, 1970. (431.1)

T.D. 70-254(19) *Iron or steel waste and scrap. Cropped-off iron billet ends.*—Cropped-off iron billet ends, which are obtained from billets which have been subjected to forging or rolling, are wrought products which are fit only for the recovery of the metal content, classifiable as other iron or steel waste and scrap, in *item 607.11*, TSUS. Temporary suspension of duty under *item 911.12*, TSUS, is applicable. Bureau letter dated November 6, 1970. (422.13)

T.D. 70-254(20) *Machinery, sugar manufacturing. Machines, nspf. Bagasse dewatering machines. Principles of classification. Multi-purpose machines.*—Dewatering machines exclusively designed to extract moisture from bagasse and to recover juice bearing sugar from the by-product so as to enhance economy of operation, classifiable under the provision for machinery for use in the manufacture of sugar in *item 666.20*, TSUS, and not under the provision for machines, nspf, in *item 678.50*, TSUS. *Headnote 2, Schedule 6, Part 4*, noted. Bureau letter dated October 28, 1970. (434.1)

T.D. 70-254(21) *Mixtures nspf. Modified gums.*—Guar, locust bean (carob bean), or tamarind seed powder gums, with small amounts of inorganic material added, are classifiable, if not chiefly used as textile assistants, under the provision for mixtures nspf, in *item 432.00*, TSUS. Bureau letter dated November 13, 1970. (418.411)

T.D. 70-254(22) *Other underwear, not ornamented, of man-made fibers, knit, women's. Bikini pants and bra set. Entirety.*—A bikini pants and bra set of 100 percent nylon, knit, both articles of which have elastic banding which, although ornamental in appearance, is functional and utilitarian and, therefore, not considered ornamented for tariff classification purposes, and which is designed, purchased, imported, invoiced, advertised, and sold at wholesale and retail as a unit and not separately, is classifiable as an entirety under the provision for other women's, girls', and infants' knit underwear, not ornamented, of man-made fibers, in *item 378.60*, TSUS. Bureau letter dated November 10, 1970. (474.5)

T.D. 70-254(23) *Pressure gauges and other instruments and apparatus for measuring, checking, or automatically controlling the pressure of gases. Pressure control for pneumatic systems.*—Air pressure control used in pneumatic process systems, which is set to the desired pressure manually using an attached pressure gauge, and

which filters the input air, classifiable in *item 711.84*, TSUS. Bureau letter dated October 30, 1970. (426.846)

T.D. 70-254(24) *Pumice stone*.—Pumice stone ranging in size from $\frac{1}{16}$ inch to $\frac{3}{4}$ inch or such material consisting of small granular particles and dust, for use in the manufacture of concrete blocks and other concrete masonry products, classifiable under the provision for pumice stone to be used in the manufacture of concrete masonry products, in *item 519.05*, TSUS, and not *item 519.31*, TSUS. Bureau letter dated October 28, 1970. (447.13)

T.D. 70-254(25) *Sport equipment nspf*.—A bicycle-like vehicle mounted on skis is classifiable under the provision for sport equipment nspf, in *item 735.20*, TSUS. Bureau letter dated November 6, 1970. (433.9)

T.D. 70-254(26) *Synthetic plastics material. Friction dust*.—A synthetic resin prepared from natural oil (cashew nut shell) that contains a natural benzenoid chemical, used in the formulation of brake linings, brake blocks, clutch facings, and other friction units, is classifiable under the provision for other synthetic plastics materials in *item 445.50*, TSUS. Bureau letter dated November 18, 1970. (418.411)

T.D. 70-254(27) *Textile articles, nspf. Bandages*.—Bandages consisting of elastic fabric composed of man-made fibers and rubber thread to which plaster of paris has been added, in chief value of rubber thread, are classifiable under the provision for articles nspf, of textile materials, in *item 389.70*, TSUS, and not under the provision for articles nspf, of rubber, in *item 774.25*, TSUS, based on the principle enunciated in *Valentina, Ltd. v. United States*, C.D. 4046, decided July 22, 1970, as the elastic fabric is provided for in *item 349.25*, TSUS, as a textile material. Accordingly, such merchandise entered, or withdrawn from warehouse, for consumption after 30 days from the date of publication of C.D. 4046 in the weekly Customs Bulletin shall be classified in *item 389.70*, TSUS, in accordance with section 16.10(e) of the Customs Regulations. T.D. 66-211(23) is revoked. Bureau letter dated November 20, 1970. (471.7)

T.D. 70-254(28) *Textile fabrics nspf, multi-layered*.—A multi-layered product composed of a top layer of woven nylon fabric, a middle layer of PVC airex foam, and a bottom layer of knit stretch nylon elastomer, the layers joined together by rows of parallel stitching spaced approximately $\frac{1}{4}$ -inch apart and parallel rows of transverse stitching 2 inches apart, imported in the piece and in chief value of the PVC airex foam, is a textile material within the meaning of *Headnote 2(a), Schedule 3*, TSUS, and classifiable under the provision for textile fabrics nspf, of man-made fibers, in *item 359.50*, TSUS. Bureau letter dated November 4, 1970. (418.44)

T.D. 70-254(29) *Vehicles (including trailers), not self propelled, nspf, Campers.*—Camper constructed on enamel steel body with a tubular steel frame mounted on runners or skis, equipped with a folding duck tent with sleeping capacity for 3 people is classifiable under the provision for vehicles (including trailers), not self-propelled, nspf, in *item 692.60*, TSUS. Bureau letter dated November 6, 1970. (433.9)

T.D. 70-254(30) *Wearing apparel of textile materials. Rubberized car coats.*—Car coats, the outer and inner surfaces of which are composed of man-made textile materials laminated with rubber, are classifiable under the provision for other men's or boys' wearing apparel, not ornamented, of man-made fibers, in *item 380.84*, TSUS. The Bureau had previously ruled (T.D. 69-12(13)) that wearing apparel of this kind was classifiable under the provision for garments designed for rainwear in *items 376.54 and 376.56*, TSUS. In the case of *American Standard Mercantile Co. v. United States*, C.D. 3933, the court defined the type of rainwear intended to be covered under *Schedule 3, Part 6, Subpart D*, TSUS, as that which is "made of a single material consisting of a textile fabric coated or similarly covered with rubber or plastics." The principle enunciated in C.D. 3933 is deemed applicable to the above coats. Pursuant to section 16.10(e) of the United States Customs Regulations, merchandise of this kind entered, or withdrawn from warehouse, for consumption after January 30, 1970 (30 days from the December 31, 1969, date of publication of the court decision in the Customs Bulletin), is classifiable accordingly. T.D. 69-12(13) is hereby rescinded. Bureau letter dated November 25, 1970. (465.22)

T.D. 70-254(31) *Wearing apparel nspf, of rubber or plastics. Ankle support.*—Ankle support designed to be worn inside of a skate shoe, made of textile materials and rubber, with the outer surface of the article wholly of rubber, classifiable under the provision for wearing apparel nspf, of rubber or plastics, in *item 772.30*, TSUS, and not classifiable as hockey equipment since its function is supportive, rather than protective. Bureau letter dated November 19, 1970. (492.2)

T.D. 70-254(32) *Wearing apparel nspf, of rubber or plastics. Examining gown.*—Polyethylene disposable examining gowns designed to be worn by patients in hospitals for examination, classifiable under the provision for wearing apparel nspf, of rubber or plastics, in *item 772.30*, TSUS. Bureau letter dated November 5, 1970. (418.44)

VESSELS

T.D. 70-254(33) *Tonnage taxes, exemption.*—A foreign vessel engaged only in the processing of its catch of fish, or the catches of other

fishing vessels, and not otherwise engaged in trade, is exempt from tonnage taxes as a vessel engaged in fisheries pursuant to section 4.21(b) (8), Customs Regulations. Bureau letter dated November 12, 1970. (214.1)

(T.D. 70-255)

Cotton textiles—Restriction on entry

Restriction on category 60 cotton textile products manufactured or produced in Portugal

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., December 8, 1970.

There is published below the directive of November 17, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee amending the level of restraint for category 60 cotton textile products, manufactured or produced in Portugal, contained in that Committee's directive of December 15, 1969 (T.D. 70-19).

This directive was published in the Federal Register on November 24, 1970 (35 F.R. 18016), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

November 17, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

On December 15, 1969, the Chairman of the President's Cabinet Textile Advisory Committee, directed you, effective January 1, 1970, to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Portugal and exported to the United States in excess of the designated levels of restraint.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraphs five (5) and eighteen (18) of the bilateral cotton textile agreement of March 23, 1967, as amended September 29, 1967, between the Governments of the United States and Portugal, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 15, 1969, the level of restraint¹ provided in that directive for cotton textile products in Category 60 produced or manufactured in Portugal and exported from Portugal to the United States, for the period beginning January 1, 1970 and extending through December 31, 1970, is hereby amended to be 21,000 dozen, effective as soon as possible.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Portugal have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee

(T.D. 70-256)

Cotton textiles—Restriction on entry

Restriction on categories 48 and 49 cotton textile products manufactured or produced in the Socialist Federal Republic of Yugoslavia

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., December 8, 1970.

There is published below the directive of November 24, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee amending levels of restraint for cotton textile products, in categories 48 and 49, manufactured or produced

¹ This level has not been adjusted to reflect entries made on or after January 1, 1970.

in the Socialist Federal Republic of Yugoslavia, contained in that Committee's directive of December 9, 1969 (T.D. 70-25).

This directive was published in the Federal Register on November 28, 1970 (35 F.R. 18221), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,

Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE

WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

November 24, 1970.

COMMISSIONER OF CUSTOMS

Department of the Treasury

Washington, D.C. 20226

DEAR MR. COMMISSIONER:

On December 9, 1969, the Chairman of the President's Cabinet Textile Advisory Committee, directed you effective January 1, 1970, to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Socialist Federal Republic of Yugoslavia and exported to the United States in excess of the designated levels of restraint.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of September 26, 1967, as modified by an exchange of notes of November 18, 1970 between the Governments of the United States and the Socialist Federal Republic of Yugoslavia, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 9, 1969, the levels of restraint provided in that directive for cotton textile products in Categories 48 and 49 produced or manufactured in the Socialist Federal Republic of Yugoslavia and exported from the Socialist Federal Republic of Yugoslavia to the United States, for the period beginning January 1, 1970 and extending through December 31, 1970, are hereby amended as follows to be effective as soon as possible:

<i>Categories</i>	<i>Amended Twelve-Month Levels of Restraint¹</i>
48	9,000 dozen
49	20,000 dozen

¹ These levels have not been adjusted to reflect entries made on or after January 1, 1970.

The actions taken with respect to the Government of the Socialist Federal Republic of Yugoslavia and with respect to imports of cotton textiles and cotton textile products from the Socialist Federal Republic of Yugoslavia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V. 1965-69). This letter will be published in the Federal Register.

Sincerely yours,

ROCCO C. SICILIANO
*Acting Secretary of Commerce
Chairman, President's Cabinet
Textile Advisory Committee*

(T.D. 70-257)

Antidumping—Tuners (of the type used in consumer electronic products) from Japan

The Secretary of the Treasury makes public a finding of dumping with respect to tuners (of the type used in consumer electronic products) from Japan. Section 153.43, Customs Regulations, amended

TREASURY DEPARTMENT,
Washington, D.C., December 8, 1970.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 153—ANTIDUMPING

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that tuners (of the type used in consumer electronic products) from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of July 15, 1970 (35 F.R. 11304, F.R. 70-9048); amendment published in the FEDERAL REGISTER of August 4, 1970 (35 F.R. 12485, F.R. Doc. 70-10205)).

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsi-

bility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on November 3, 1970, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of tuners (of the type used in consumer electronic products) from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of November 6, 1970 (35 F.R. 17156, F.R. Doc. 70-15010))

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to tuners (of the type used in consumer electronic products) from Japan.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Tuners (of the type used in consumer electronic products)	Japan	70-257

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register December 12, 1970, (35 F.R. 18914)]

(T.D. 70-258)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textile products in categories 39, 53, 55 and 63, produced or manufactured in the Republic of Korea

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., December 9, 1970.

There is published below the directive of November 30, 1970, received by the Commissioner of Customs from the President's Cabinet Textile Advisory Committee concerning the restriction on entry into the United States of cotton textile products in categories 39, 53, 55 and 63, produced or manufactured in the Republic of Korea.

This directive was published in the Federal Register on December 3, 1970 (35 F.R. 18424), by the Interagency Textile Administrative Committee.

(343.3)

EDWIN F. RAINS,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

November 30, 1970.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20226

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 11, 1967, between the United States and the Republic of Korea, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Categories 39, 53, 55 and 63 produced or manufactured in the Republic of Korea and which have been exported from the Republic of Korea during the period beginning January 1, 1970 and extending through December 31, 1970.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be subject to this directive.

A detailed description of Categories 39, 53, 55, and 63 in terms of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C.

553 (Supp. V, 1965-69). This letter will be published in the Federal Register.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce
Chairman President's Cabinet
Textile Advisory Committee

(T.D. 70-259)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

DEPARTMENT OF THE TREASURY,
 OFFICE OF THE COMMISSIONER OF CUSTOMS,
 Washington, D.C., December 9, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c). Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period of November 30 through December 4, 1970, rate of \$0.248364.

Denmark krone:

November 30, 1970.....	\$0.133516
December 1, 1970.....	.133500
December 2, 1970.....	.133509
December 3, 1970.....	.133500
December 4, 1970.....	.133462

Hong Kong dollar:

For the period November 9 and 10 and November 12 and 13.

Official rate of \$0.163750 and the following Free rates:

November 9, 1970.....	\$0.164338
November 10, 1970.....	.164338
November 11, 1970.....	Holiday
November 12, 1970.....	.164169
November 13, 1970.....	.164001

Iran rial:

For the period November 16 through November 20, 1970, rate of \$0.0130333.

Philippine peso:

For the period November 16 through November 20, 1970, Official rate of \$0.256410* and Free rate of \$0.154166.*

Thailand baht (tical):

For the period November 16 through November 20, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,

Acting Commissioner of Customs.

*Certified as nominal rates.

(T.D. 70-260)

Rules of the United States Customs Court

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., December 8, 1970.

There is published for information and guidance the appended new Rule 9.6 and amended Rules 8.1 and 14.9(b) (2) of the Rules of the United States Customs Court as adopted and amended, respectively, and in effect, on October 26, 1970.

(344.15)

EDWIN F. RAINS,

Acting Commissioner of Customs.

RULES OF THE UNITED STATES CUSTOMS COURT

New Rule 9.6 of the Rules of the United States Customs Court effective October 26, 1970, which reads as follows:

**RULE 9.6 DOCUMENTS SPECIALLY ADMISSIBLE
BY STATUTE WHERE VALUE IS IN ISSUE**

(a) *Reports; depositions; affidavits:* In addition to other admissible evidence, when the value of merchandise is in issue, re-

ports or depositions of consuls, customs officers, and other officers of the United States, and depositions and affidavits of other persons whose attendance cannot reasonably be had, may be admitted in evidence when served upon the opposing party in accordance with subparagraph (b) of this rule.

(b) *Service.* A copy of any report, deposition or affidavit described in subparagraph (a) of this rule which is intended to be offered in evidence shall be served on the opposing party with the notice of trial. A party other than the party serving the notice of trial shall serve a copy of any such report, deposition or affidavit which he intends to offer in evidence upon the opposing party within 15 days after service of the notice of trial. Timely service of copies of such documents may be waived or the time extended upon consent, by order of the court, for good cause shown.

(c) *Objections.* Objections to the admission of such documents in evidence may be made at the trial.

(d) *Price lists; catalogs.* When the value of merchandise is in issue, price lists and catalogs may be admitted in evidence when duly authenticated, relevant and material.

Rule 8.1 of the Rules of the United States Customs Court has been amended, effective October 26, 1970, to read as follows:

RULE 8.1 SUBMISSION ON AGREED STATEMENT OF FACTS

(a) General Requirements: *An action may be submitted at any time without brief or complaint or formal amendment of any prior pleading** by filing with the clerk of the court a submission on agreed statement of facts, signed by the parties or their attorneys, together with a proposed decision and judgment.

Rule 14.9(b) (2) of the Rules of the United States Customs Court has been amended, effective October 26, 1970, to read as follows:

RULE 14.9 DISPOSITION OF PENDING ACTIONS

(b) Trials Commenced:

(2) Actions in which, in open court, a witness was sworn or evidence was admitted prior to October 1, 1970, *and actions which have been remanded to a single judge to find value under 28 U.S.C. § 2636(d), as amended by 62 Stat. 981, (1948),*** shall be deemed to be actions in which trials have commenced prior to October 1, 1970.

*The words, "*An action may be submitted at any time without brief or complaint or formal amendment of any prior pleading*" to be in italics.

**The words, "*and actions which have been remanded to a single judge to find value under 28 U.S.C. § 2636(d), as amended by 62 Stat. 981, (1948)*", to be in italics.

(T.D. 70-261)

*Charge to be made for services of a Customs warehouse officer—
Customs Regulations amended*

Section 19.5(b), Customs Regulations, relating to the charge to be made for the services of a Customs warehouse officer, amended

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

Public Law 90-363, dated June 28, 1968, provides for Columbus Day, the second Monday in October to be celebrated as a legal public holiday beginning in 1971. The reimbursement rate for this holiday, for the $\frac{1}{2}$ percent increase in the Government costs for retirement benefits of customs employees, provided by P.L. 91-93, and for the increased contribution by the Government for health benefits, are not included in the present rate of 134 percent of the hourly rate of regular pay used to compute the charge to be made for the services of a customs warehouse officer. To provide for reimbursement under section 555 of the Tariff Act of 1930 (19 U.S.C. 1555) by the warehouse proprietor of these increased costs, section 19.5(b) of the Customs Regulations is amended to read as follows:

19.5 Customs warehouse officer; compensation of.

* * * * *

(b) The charge to be made for the services of a customs warehouse officer or a customs employee temporarily assigned to act as a customs warehouse officer at a bonded warehouse on a regular workday during his basic 40-hour workweek shall be computed at a rate per hour equal to 137 percent of the hourly rate of regular pay of the particular employee with an addition equal to any night pay differential actually payable under 5 U.S.C. 5545. The rate per hour equal to 137 percent of the hourly rate of regular pay is computed as follows:

	Hours	Hours
Gross number of working hours in 52 40-hour weeks-----		2080
Less:		
9 legal public holidays—New Years Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day-----	72	
Annual Leave—26 days-----	208	
Sick Leave—13 days-----	104	384
		<hr/>
Net number of working hours-----		1696
Gross number of working hours in 52 40-hour weeks-----		2080
Working hour equivalent of Government contributions for employee uniform allowance, retirement, life insurance and health benefits computed at 11½ percent of annual rate of pay of employee-----		239
		<hr/>
Equivalent annual working hour charge to customs appropriation-----		2319
		<hr/>
Ratio of annual number of working hours charged to customs appropriation to net 2319 number of annual working hours-----= 137 1696 percent.		

The charge to be made for the services of a customs warehouse officer or a customs employee temporarily assigned to act as a customs warehouse officer at a bonded warehouse on a holiday or outside his established basic workweek shall be the amount actually payable to the employee for such services under the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 911, 922), or the customs overtime laws (19 U.S.C. 267, 1451), or both, as the case may be. The time charged shall include any time within the regular working hours of the employee required for travel between the duty assignment and the place where the employee is regularly employed excluding lunch periods, charged in multiples of 1 hour, any fractional part of an hour to be charged as 1 hour when the services are performed during the regularly scheduled tour of duty of the warehouse officer or between the hours of 8:00 a.m. and 5:00 p.m. on weekdays when the officer has no

regularly scheduled tour of duty. In no case shall the charge be less than \$1.00.

(Secs. 555, 624, 46 Stat. 743, 759; 19 U.S.C. 1555, 1624.)

The change in the percentage ratio of annual working hours charged to the Customs appropriation to the net number of working hours, merely reflects changes in statutory provisions involved in the computation of this figure. Notice and public procedure under 5 U.S.C. 553 is, therefore, considered unnecessary.

This amendment shall become effective January 10, 1971.

(140.4)

EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved December 9, 1970:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[Published in the Federal Register December 19, 1970 (35 F.R. 19249)]

(T.D. 70-262)

Foreign currencies—Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, Thailand baht (tical)

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Argentine peso, Denmark krone, Hong Kong dollar, Iran rial, Philippine peso, and Thailand baht (tical)

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., December 15, 1970.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange for the dates and countries as indicated:

Argentine peso:

For the period December 7 through December 11, 1970, rate of \$0.248364.

Denmark krone:

December 7, 1970	.....	\$0.133520
December 8, 1970	.....	.133525
December 9, 1970	.....	.133593
December 10, 1970	.....	.133537
December 11, 1970	.....	.133512

Hong Kong dollar:

For the period November 16 through November 20, 1970,

Official rate of \$0.163750 and the following Free rates:

November 16, 1970.....	\$0.164068
November 17, 1970.....	.164203
November 18, 1970.....	.164271
November 19, 1970.....	.164271
November 20, 1970.....	.164203

Iran rial:

For the period November 23 through November 25 and
November 27, 1970, rate of \$0.0130333.

Philippine peso:

For the period November 23 through November 25, 1970, and
November 27, 1970, Official rate of \$0.256410* and Free
rate of \$0.154166*.

Thailand baht (tical):

For the period November 23 through November 25 and
November 27, 1970, rate of \$0.0478125.

This information is for use pursuant to section 16.4, Customs Regu-
lations (19 CFR 16.4).

(342.211)

EDWIN F. RAINS,
Acting Commissioner of Customs.

*Certified as nominal rates.

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Pin, expansion or roll pin, of spring steel.....	70-49 (14)
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Plate cover, light switch, adhesive.....	70-170 (3)
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Pneumatic systems, pressure control for.....	70-254 (23)
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